

John Locker

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

CHARLOTTE E. NEUBAUER, personally
and as personal representative of
the Estate of Clifford S. Neubauer,

Civil Action
No. 77-C-52

JOY SKOFRONICK, personally and
as personal representative of
the Estate of Clifford E. Mason,

Civil Action
No. 77-C-446

WALTER PRESECHNIK,

Civil Action
No. 77-C-491

CLARENCE O. REIMER and
MARY M. REIMER,

Civil Action
No. 77-C-492

DARWIN FRANK WITKOWSKI, SR.,
and ELEANORE WITKOWSKI,

Civil Action
No. 78-C-43

CLARENCE P. LILLGE and
BERTHA E. LILLGE,

Civil Action
No. 78-C-44

ERICH E. ECKOLDT, and
MAMIE ECKOLDT,

Civil Action
No. 78-C-131

ROBERT J. GAYNOR and
LAVALLETTE GAYNOR,

Civil Action
No. 78-C-544

Plaintiffs,

-vs-

OWENS-CORNING FIBERGLAS CORPORATION,
a foreign corporation,

Defendants,

-vs-

OWENS-CORNING FIBERGLAS CORPORATION,

Third-Party Plaintiff,

-vs-

PITTSBURGH CORNING CORP., a foreign
corporation, et al,

Third-Party Defendants.

WILLIAM GLOBIG and
KATHRINE A. GLOBIG,

Plaintiffs,

-vs-

OWENS-CORNING FIBERGLAS CORPORATION,
a foreign corporation; JOHNS-
MANVILLE SALES COMPANY, a foreign
corporation; and KEENE CORPORATION,

Defendants,

-and-

EAGLE-PICHLER INDUSTRIES, INC.,
a foreign corporation,

Defendants and
Third-Party Plaintiffs,

-vs-

INTERNATIONAL ASSOCIATION OF HEAT
AND FROST INSULATORS AND ASBESTOS
WORKERS UNION and ASBESTOS WORKERS
UNION, LOCAL 19,

Third-Party Defendants,

-and-

PITTSBURGH CORNING CORP., a foreign
corporation; JIM WALTER CORP., a
foreign corporation; CELOTEX CORP.,
a foreign corporation; FIBERBOARD
CORP., a foreign corporation; GAF
CORP., a foreign corporation;
OWENS-ILLINOIS, INC., a foreign
corporation; ATLAS ASBESTOS CO.,
a foreign corporation; UNION CARBIDE

CORP., a foreign corporation; H. K. PORTER CO., INC., a foreign corporation; SOUTHERN ASBESTOS COMPANY, a foreign corporation; FORTY-EIGHT INSULATIONS, INC., a foreign corporation; THE FLINTKOTE CO., a foreign corporation; NATIONAL GYPSUM CO., a foreign corporation; STANDARD ASBESTOS MANUFACTURING AND INSULATION CO., a foreign corporation; UNARCO INDUSTRIES, INC., a foreign corporation; COMBUSTION ENGINEERING, INC., a foreign corporation; ARMSTRONG CORK CO., a foreign corporation; NICOMET INC., a foreign corporation; and RAYBESTOS MANHATTAN, INC., a foreign corporation,

Additional Third-Party
Defendants.

ROBERT A. WETZEL and
GRACE M. WETZEL,

Plaintiffs,

-vs-

JOHNS-MANVILLE SALES CO.,
JOHNS-MANVILLE CORP.,
OWENS-CORNING FIBERGLAS CORP.,
ARLING CORP.,
JIM WALTER CORP., and
CALOTEX CORP.,

Defendants,

-vs-

OWENS-CORNING FIBERGLAS CORP.,

Third-Party Plaintiff,

PITTSBURGH CORNING CORP.,
EAGLE-PICKER CORP.,
FIBERGLAS CO.,

GAF CORP.,
OWENS-ILLINOIS, INC.,
ATLAS ASBESTOS CO.,
UNION CARBIDE CORP.,
H. K. PORTER CO., INC.,
SOUTHERN ASBESTOS CO.,
FORTY-EIGHT INSULATIONS,
THE FLINTKOTE CO.,
NATIONAL GYPSUM CO.,
STANDARD ASBESTOS MANUFACTURING
AND INSULATIONS CO.,
UNARCO INDUSTRIES, INC.,
COMBUSTION ENGINEERING, INC.,
ARMSTRONG CORK CO.,
NICOLET, INC., and
RAYBESTOS MANHATTAN, INC.,

Third-Party Defendants.

Examination of JOHN K. LOCHER, otherwise
than as a witness upon the trial, taken at the instance
of the adverse party, to-wit, the Defendants, under the
and pursuant to notice before LINDA J. SAARI, a Notary
Public in and for the State of Wisconsin, at 610 North
Jackson Street, Room 207, Milwaukee, Wisconsin 53202,
on the 2nd day of October, A.D., 1980, commencing at
11:35 a.m. and concluding at 2:15 p.m.

A P P E A R A N C E S:

GOLDBERG, PREVIAINT, UELMEN, MILLER; LARRY A
BRUEGGEMAN, S.C., by
Mr. Albert J. Goldberg,
708 North Jefferson Street,
Milwaukee, Wisconsin,
appeared on behalf of the Plaintiff.

RIORDAN, CRIVELLO, SULLIVAN & CARLSON, by
Mr. Donald H. Carlson,
710 North Plankinton Avenue
Milwaukee, Wisconsin,
appeared on behalf of Johns-Manville Sales
Company.

BORGELT, POWELL, PETERSON & FRAUEN, by
Mr. Mark Young,
735 North Water Street,
Milwaukee, Wisconsin,
appeared on behalf of Owens-Corning Fiberglas
Corporation.

BOARDMAN, SUHR, CURRY & FIELD, by
Ms. Barbara Block,
One South Pinckney Street,
Madison, Wisconsin,
appeared on behalf of Flintkote Company.

SCHOONE, McMANUS, HANKEL & WARE, S.C., by
Mr. Robert E. Hankel,
1300 South Green Bay Road,
Racine, Wisconsin,
appeared on behalf of Combustion Engineering,
Inc.

FULTON, MENN & NEHS, by
Mr. Jonathon M. Menn,
222 Oneida Street,
Appleton, Wisconsin,
appeared on behalf of Armstrong Cork Company.

PROSSER, WIEDABACH & QUALE, S.C., by
Mr. Thomas Harrington,
626 East Wisconsin Avenue,
Milwaukee, Wisconsin,
appeared on behalf of Fiberboard Corporation.

DAVIS, KUELTHAU, VERGERONT, STOVER, WEINER &
GOODLAND, S.C., by
Mr. James E. Culhane,
250 East Wisconsin Avenue,
Milwaukee, Wisconsin,
appeared on behalf of GAF Corporation.

KLUWIN, DUNPHY, HANKIN & McNULTY, by
Mr. Eric J. Van Vugt,
1100 West Wells Street,
Milwaukee, Wisconsin,
appeared on behalf of UNARCO Industries.

OTJEN & VAN ERT, S.C., by
Mr. Daniel J. Stangle and
Mr. Donald M. Lieb,
741 North Milwaukee Street,
Milwaukee, Wisconsin,
appeared on behalf of Keene Corporation.

KASDORF, DALL, LEWIS & SWIETLIK, by
Mr. Kenton E. Kilmer,
1551 South 108th Street,
Milwaukee, Wisconsin,
appeared on behalf of Eagle-Picher Industries,
Inc.

CAPWELL, BERTHELSEN, NOLDEN & CASANOVA, LTD., by
Mr. James A. Pitts,
524 Main Street,
Racine, Wisconsin,
appeared on behalf of Union Carbide Corp.

FRISCH, DUDEK & SLATTERY, by
Mr. Frank R. Terschman,
828 North Jefferson Street,
Milwaukee, Wisconsin,
appeared on behalf of Forty-Eight Insulations,
Inc., and Nicolet, Inc.

CHURCHILL, DUEACK & SMITH, by
Ms. Frances H. Martin,
780 North Milwaukee Street,
Milwaukee, Wisconsin,
appeared on behalf of Jim Walter Corp., and
Celotex Corp.

STAFFORD, ROSENBAUM, REISER & HANSEN, by
Mr. Bruce Huibregtse,
131 West Wilson,
Madison, Wisconsin,
appeared on behalf of W. K. Porter Co., and
Southern Asbestos Co.

HAYES & HAYES, by
James Samuelson,

161 West Wisconsin Avenue,
Milwaukee, Wisconsin,
appeared on behalf of H.K. Porter Co., Inc.

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TRANSCRIPT OF PROCEEDINGS

JOHN K. LOCHER, called as a witness
herein by the Defendants, having been first duly
sworn on oath, was examined and testified as
follows:

E X A M I N A T I O N

BY MR. YOUNG:

Q Would you please state your full name for the record?

A John, I use the middle initial K, Locher, L-o-c-h-e-r.

Q Mr. Locher, where do you presently reside?

A 511 East Trotters, Maitland, Florida.

Q Mr. Locher, you were formerly employed by Sprinkmann &
Sons; is that correct?

A That is correct.

Q And until June of 1980 you were employed at Sprinkmann,
isn't that correct?

A May 31st was my last day, yes.

Q Did you previously reside in the Milwaukee area?

A Yes.

Q When did you cease to reside in this area?

A When? Well, my house was sold -- let's see, we
accepted a bid on the house the 2nd of July and closed,
I think, the 23rd of August.

Q And you are retired now, isn't that true?

A Right.

Q When did you first become employed at Sprinkmann & Sons?

A Well, after World War II, and I think it was May 1st, 1945 or it could have been '46. I can't remember just when the war ended. I know that I got out of the Navy, and about a month before that previously I worked for the Electric Company, WEPCO, and I went there about two weeks and I joined Sprinkmann's.

Q What position did you take when you first started at Sprinkmann's?

A Well, I suppose everybody looks for titles, and really I was employed or had an interview with a gentleman who was the general manager, and I believe he was secretary and treasurer at that time. So, I worked directly for him.

Q What is that person's name?

A That was Merlin W. Simon.

Q Mr. Simon is deceased?

A Correct.

Q Were you Mr. Simon's assistant?

A Really, yeah. I was hired to be his assistant. Never thought of that, but that is correct.

Q You were the assistant to the general manager of Sprinkmann's operation here in Milwaukee?

A Yeah.

MR. CARLSON: You have to say "yes" for the record.

MR. YOUNG: He said "yes".

THE WITNESS: Yes. I don't think at that time I got the salary that an assistant should have got, but basically I was hired as his assistant.

MR. YOUNG:

Q In your position as working for Mr. Simon what were your duties with respect to purchasing of products Sprinkmann & Sons used in its contracting work?

A Well, when I first started he did all the purchasing. And one thing I would like it to be understood when I started there my desk was right next to his so I knew all the salesmen that came in. And as you were trained you were brought along. I met all the salesmen and it wasn't too long I was doing a lot of the buying and he was doing some, and, you know, we were kind of splitting it up as time grew on.

Q Did eventually a time come when you had primary responsibility for purchasing?

A I would say yes, but I can't remember which date it was. I mean we just, "Here, take care of it," you know, "You are my boy, take care of it."

Q Now, you know Mr. Dowling and Mr. VanBeek, do you not?

A Yes.

Q And they have indicated that in their opinion you are the person presently alive today that knows the most about the products Sprinkmann & Sons purchased. Do you have any reason to quarrel with that?

A No. Really, no.

Q Do you know anybody who in your opinion knows more about the products Sprinkmann bought over the years?

A I can't think of anyone really.

Q So, you would agree with them that most likely you are the person who has the best knowledge concerning products Sprinkmann has bought since the late forties?

A That is correct.

Q How long did you remain the assistant to the general manager?

A Well, I suppose until he retired.

Q Well, when you left Sprinkmann what position were you in?

A Well, first of all when I first started it wasn't as big as it is now. It is all grown. And in those days I was involved in almost - well, sitting right next to him I got involved in almost everything that we were involved in. And as time went on a lot of these accounting functions went over to the Accounting Department. My job became more related to purchasing

Q Up until the time that you retired did you continue to have at least practically the primary responsibility for purchasing products by Sprinkmann to be used in their contracting?

A Yes.

Q Mr. Locher, I am going to now go through an extensive list of names of companies and products and ask you questions about your recollection of buying their products and when you might have done that, okay?

A Go ahead.

Q Have you ever heard the name Nicolet Industries?

A Yes.

Q To your knowledge did Sprinkmann purchase products from Nicolet?

A We purchased some products from Nicolet in the early days.

Q When you say "early days" can you --

A When I mean "early days", a few days of my employment; the first years that I were there. That Nicolet Industries sold out to somebody or something. I don't know what happened to them.

Q Do you remember the type of products you purchased from Nicolet?

A All right. We used to buy some asbestos papers from

Nicolet. And I think that we probably got some Air Cell and Wool Felt type covering from them in those days. They were not a big supplier really, but I mean we did give them a small amount.

Q Do you remember the brand name that Nicolet sold the products under that you purchased?

A No, not unless I heard the names it might come back to me.

Q Do you remember the name Salmo?

A Yeah.

Q Does that name ring a bell as to the brand name that you have in mind?

A Can't recall, but it could have been. I don't know whose it was, but I remember the name.

Q How about the brand name Norristown?

A That I don't recall at all.

MR. YOUNG: Off the record.

(Whereupon, a discussion was had off the record.)

MR. YOUNG:

Q Do you have a recollection of Sprinkmann and Sons purchasing products that went by the name Keasbey-Mattison?

A I remember Keasbey-Mattison, K & M. I don't recall us buying any products from them, no.

Q Do you remember purchasing any products from a company called Turner-Newell?

A Nope, I can't recall that one.

Q How about a company called Certain-Teed Products?

A Certain-Teed, yes.

Q Did Sprinkmann and Sons purchase asbestos containing products from Certain-Teed?

A Well, Certain-Teed is an outgrowth of Gustin-Dacon and that is a fiberglass manufacturer. So, if we got anything from Certain-Teed, and -- what is Certain-Teed? St. Germaine? I think it is a French name. They are involved with it and they make fiberglass products. They make something else for some other industry too, but I don't know what it is. But the insulation we would buy from them is fiberglass.

Q So to your recollection Sprinkmann didn't buy any asbestos products from Certain-Teed Products?

A No.

Q Do you have a recollection of Sprinkmann purchasing asbestos products from Ryder Industries?

A All right. Ryder, I think, made some cement, but I don't think we ever bought any from Ryder. Maybe in the later years we had some Ryder Cement that was bought through -- yeah, we bought some probably from Builino Services, maybe a little bit from Allied or

something. I think we have had some Ryder Cement.

Q Are you able to give us any sort of time period over which --

A It would be the last 10 or 15 years. 10 years probably. This is '80. Maybe the late seventies. That is Ryder out of Texas, right?

Q That is the one I have in mind. I don't know if that is what you have in mind.

A No, because there was another Ryder Brothers that made cement in Kansas City. I don't know what the name of his company was, or he was involved. I won't say he was a brother; he was a relative.

Q You are speaking of Ryder Products that came out of a company in Texas?

A Right..

Q And when you say back 10, 15 years you meant to say the late sixties instead of late seventies?

A This is 1980. We probably bought it in the seventies and late sixties probably through Building Services or Allied, a small amount. Now, they were not a major cement supplier really. We ran out of what we were using; we need 50 bags, fine.

Q Do you know whether or not any one of Sprinkmann's contracting competitors used a lot of Ryders?

A Now, that I really don't know because I don't know

who they sold to; but, there was some several carloads of Ryders that came into this area, I know that.

Q When you say "carload" you are talking about a railroad carload?

A Right.

Q Do you remember a cement called One Cote?

A I remember the name, yeah.

Q Do you remember that as a specific name of a product as opposed to the generic term that people refer to it by?

A No, it is a mineral wool cement called One Shot. I think it was made by a mineral company in Leeds, Alabama, if I recall correctly, somewhere in that area.

Q Does the name Rock Wool Manufacturing --

A That could be it. Yes, that sounds familiar. Pretty sure.

Q Does my statement of the name Rock Wool refresh your recollection as to the company you believe --

A I think Rock Wool Manufacturing Company is the one that made it. Are they in Leeds, Alabama? Pretty sure it is from Leeds, Alabama.

Q That is the one you are talking about?

A Yeah.

Q That is the one I have in mind.

A That is the same one.

Q Mr. Locher, let me ask you to please answer my questions because she can't get us both down at the same time.

A Excuse me.

Q Did Sprinkmann buy One Shot?

A We have probably sampled it, and I think they sent us some samples, five or ten bags, but we never used the material really.

Q Sprinkmann and Sons made asbestos blankets, did they not?

A Yes, they did.

Q And how -- what did they use to make those blankets and how did they go about it?

A Well, the asbestos blankets were basically made from years ago asbestos high temperature asbestos cloth with different types of insulation fillers and were made in various shapes and forms to fit over all kinds of things.

Q And did they use asbestos yarn or twine or whatever to stitch the blankets together?

A Yes, we had some type of asbestos twine that worked in the sewing. We had a sewing machine that did it with asbestos twine, but, you know, asbestos is very flimsy and is real fine. And it had a stainless steel or monel or real fine wire to hold it together really otherwise you couldn't have sewed it.

Q Where did Sprinkmann purchase the asbestos cloth that it used in its blankets?

A Well, we bought some from Raybestos Manhattan. The old days there was Union Asbestos and Rubber Company in Bloomington, and there was another company in St. Louis. Tallman-McCluskey I think it was. T-a-l-l-m-a-n hyphen McCluskey, but I couldn't spell the other word.

Q Did Sprinkmann buy more of its asbestos cloth from one of these manufacturers than another

A I would say in those days we probably bought most of it from Raybestos Manhattan.

Q And what do you mean by "those days"?

A In the early days. Now -- well, I shouldn't have said that word, that doesn't make much sense, does it? In the days that we were making insulation blankets for turbines that were manufactured by Allis-Chalmers most of that was probably bought from Raybestos Manhattan, then when Allis-Chalmers quit making turbines here our sales went down and then we started to get to other manufacturers.

Q I take it that Sprinkmann manufactured blankets that they would sell to Allis-Chalmers that Allis-Chalmers would incorporate in the turbines it was making and selling, is that what you are saying?

A We would make the blankets? No, I am not saying that.

Q Okay.

A First of all we would bid on the insulation of the turbine, and in the insulation of the turbine there was a lot of, let's call it white line, or in those days asbestos pipe covering for certain parts of the turbine. So, we bid to complete the job, and we sent our men all over the country to insulate Allis-Chalmers turbines. They installed the blankets which we made in our fab shop.

Q Can you tell us even generally the time period over which you were making the blankets for Allis-Chalmers turbines?

A Well, we made them until Allis-Chalmers quit. I don't know what year they quit making turbines out here in West Allis. And we didn't do them for all their jobs because then every one of them was a big job. Now, when they quit we also made some for General Electric and we bid on some of those jobs too which once and awhile we got them. But we were, probably being local, we got more work out of Allis than we did for GE and Westinghouse.

Q What specific products do you recall Sprinkmann buying from Southern Asbestos?

A Well, basically the asbestos cloth that we bought. We bought in rolls. The rolls were always 40 inches

wide, and most of it was either a Triple A or Quadruple A, and the A's marked what degree the cloth would take. The Quad A probably was inserted with Monel or stainless steel to take a higher -- go up to about 1,000 degrees, I believe. And then some of them even had cheaper cloth that had brass wire in it. They wouldn't take the same degree of temperature like a Quad A would. A Quad A had either stainless steel or Monel.

Q You remember buying from Southern Asbestos these types of cloth?

A Yeah, we always bought commercial grade cloth from Southern Asbestos because we sold a lot of that really too for welding blankets and God knows what.

Q The commercial grade cloth purchased from Southern Asbestos was something you bought so you could sell it to somebody else?

A Most of the time, yes. We wouldn't dare use commercial grade because that was 300, 350, 400 degree cloth, you know, on 800 degree pipe.

Q Did Sprinkmann use the Southern Asbestos cloth it purchased to make the blankets similar to the Raybestos cloth?

A I am sure we used some of Southern's, but most of the -- when we got into the act with Southern, if I recall.

correctly, this was mainly after Allis turbines were no longer manufactured in Milwaukee. So, I think most of the asbestos cloth that we bought for the turbine blankets was probably Raybestos.

Q What did you use the Southern Asbestos cloth for?

A Well, we again had some turbines that we had, and there were other types of things too that we used the cloth for.

Q Did Sprinkmann employees use the Southern Asbestos cloth to your knowledge?

A Sure, they used it. Right now we are using stainless steel filler. They are putting it in between the stainless steel mesh.

Q Do you know whether or not Southern Asbestos cloth was purchased by Sprinkmann in the sixties?

A Now, this is the eighties. So, the seventies are over, so, we are going back 20 years. I am sure we bought some.

Q Do you know the company Union Asbestos and Rubber Company to be a predecessor or successor of Unarco?

A Well, Unarco, that was that company really, yes.

Q You purchased asbestos cloth from them as well?

A Yes.

Q Was the cloth you purchased from Unarco used in the same fashion as the cloth you bought from Southern?

A I am sure it was, or from Raybestos really because, you know, we'd get competitive bids and price in terms, and delivery was a factor too sometimes. Some people were out, so --

Q Did Sprinkmann purchase Unarco cloth in the sixties?

A I don't know when Unarco sold; I can't remember. But we purchased cloth from Unarco until they were sold out, I am sure of that. So, that was probably in the sixties.

Q Do you recall who Unarco sold out to?

A Well, they sold out -- I don't know what they did with their textiles. They took their -- they made a pipe covering which they sold to Pittsburgh Corning, then they used to make a lot of gaskets they sold to somebody down in Alabama or Georgia, I don't know the name of the company. And then maybe it did. Owens-Corning gets part of this because they are making a urethane down there, now, I don't know.

Q Where did Sprinkmann buy its asbestos thread or twine?

A I don't know. I can't remember. All I can remember is, you know, we bought big boxes that last forever.

Q Do you have a recollection of Sprinkmann and Sons purchasing and using Carey Insulation Products?

A Yes, we used some Carey Products.

Q What Carey Products did Sprinkmann buy?

A All right, we bought some high temperature materials

from Carey, I know that. I don't know how much or what percentage, but, see, back in the early days -- well, Sprinkmann's have been involved in basically two corporations; one in Wisconsin and one in Illinois. And originally we had an agreement with the Ehret Magnesia Company, and the original agreement from the Illinois Corporation was in Carey Magnesia or whatever Carey's name was, I can't recall.

Q Carey Canadian Mines?

A No, that wasn't the name of the company; that was a subsidiary or something. I don't know who owned what. But, so, once and awhile there was an interchange of products. So, they, especially after the war because products were hard to get and they had an oversupply we could use theirs, and they would be able to deliver on the job that we bid here or there or vice versa. So, we bought from them occasionally, and they occasionally bought from us.

Q When you say you purchased high temperature insulation products from them you are talking about block and pipe covering?

A That is correct.

Q And when you say "the early days" again you are talking about the period right after you came with the company, perhaps up to 1955?

A I am going to say from '45 to '55.

Q What did Sprinkmann purchase from Carey Canadian Mines?

A We purchased a fiber 7 -- what was it -- 7M5 I believe they called it. It was the short asbestos fiber that they used to mix with water and became blue mud and became a finish. It was commonly used in the insulation industry by all contractors.

Q Was this marketed as a cement or just a raw fiber?

A Well, we called it asbestos cement really. We also bought another fiber, and I can't remember which one it was because there is, you know, they list them. And the 7M it went through a screening test and that is how they determined -- some of the great big long ones were real expensive pipe, but we bought the shortest one. But we also bought from Carey Canadian Mines some asbestos. We called it asbestos shots which we resold to people like A. O. Smith and Harnischfeger and never touched it because we sold it in carloads, and they used it in the manufacture of weld rods or welding, whatever you got to have for welding. Whether it is still being used in that process I have no idea. I know it is not being made in Wisconsin anymore.

Q Did Sprinkmann purchase from Baldwin-Ehret-Hill or Ehret Magnesia?

A Basically in the early days or when I started with

Sprinkmann we had an agreement with Ehret Magnesia Manufacturing Company, and I would say probably in the time I started until 1955, maybe a little bit later, that most of the materials, the asbestos materials that we bought which was magnesia came from the Ehret Manufacturing Company. And then they merged with Baldwin-Ehret-Hill, and I don't remember which date that was. Then we continued to buy their white line. Baldwin-Hill was a mineral manufacturer and Ehret was a white line. So, they got together, then we bought most of our white line through Baldwin-Ehret-Hill.

Q Up until the time Ehret Magnesia had merged with Baldwin-Hill what would be your best estimate as to the percentage of the products Sprinkmann bought that were from Ehret Magnesia?

A Well, we bought probably 95 percent of all our white line -- the white line is the magnesia from Ehret. We bought some before the advent or even the early days of fiberglass that had a cold water covering made out of Wool Felt which was a wound thing. I don't really know what Wool Felt was. I don't think it has asbestos in it. Then for low pressure steam they had a product called Air Cell which was made out of asbestos papers and corrugated. We bought most of that from Standard Asbestos in Chicago.

Q Did Sprinkmann consider itself a distributor for Ehret's magnesia?

A Yes.

Q And even after Baldwin -- after Ehret -- or strike that. Even after Ehret Magnesia merged with Baldwin-Hill you continued to purchase products from them?

A We were still a distributor if that is the word, yeah.

Q To your knowledge Sprinkmann purchased products from Fiberboard Corporation?

A I am sure we did because I know that when I started with Sprinkmann's I think the Fiberboard Company came up with some type of a, either injection molding or something, and I don't know what the manufacturing process was. And they had one of those, supposedly at that time a new -- either a new manufacturing process or a new plant and they did sell some material that went as far as the Midwest because they basically -- most of their stuff came out of Emeryville, California.

Q Was the product you just referred to an asbestos containing product to your knowledge?

A Yes.

Q Do you know what brand name it went by?

A PABCO.

Q Can you give me the time period over which you bought this PABCO product?

A I know that we bought some PABCO, but we didn't buy very much of it, I know that too. I know that we might have tried

a couple cars of it for some job because with their new process you got to remember pipe covering is a three foot section, and the small sizes, two pieces fit together. So, anybody that got -- when you get up to 20 inch pipe covering, just using that as an illustration rather than putting on how many pieces six inch wide to wrap around it we could get two pieces to put around there, you are going to save a lot of labor. And I think PABCO with their new process was one of the first ones that had some of the bigger pipe covering in two sections; three foot pieces in two sections which saved labor. And, so, I can't recall the jobs, but I think we had one or two cars where we tried some of their material for large pipe.

Q Do you remember purchasing products that went under the brand name PLANT?

A PLANT is PABCO. It was all the same. We might -- maybe that was the name, I can't --

Q You knew that to be manufactured by Fiberboard Corporation; is that correct?

MR. HARRINGTON: I object to the form of the question.

MR. YOUNG:

Q You can answer.

A I don't even know what you said.

Q You understood the PABCO product that Sprinkmann purchased to have been manufactured and sold by Fiberboard, isn't that true?

A Unless the name was different prior at that time. We bought some from -- I don't know whether we bought it from PLANT or Fiberboard, and then Fiberboard sold it to -- I don't know who owns it now, Georgia Pacific or somebody. I don't know what they are. So, we are still buying or did buy some for some recent jobs. They were the first company that came out with a non-asbestos product too, I believe. I thought you might like that.

MR. HARRINGTON: I love it. Keep going.

MR. YOUNG:

Q What, if any, products did Sprinkmann buy from Eagle-Picher?

A All right. We bought some mineral wools and some cements.

Q The mineral wool you referred to didn't have asbestos in it, did it?

A As far as my knowledge of the mineral wool blankets had no asbestos. That was made out of some kind of mineral or Rock Wool or something.

Q You bought cement from Eagle-Picher?

A Correct.

Q Do you remember the names of the cement?

A All right. Eagle -- yeah, Eagle-Picher 66 and Eagle-Picher

One Cote.

Q When you say Eagle-Picher One Cote do you mean "One Cote" spelled O-n-e C-o-t-e?

A Well, I don't know. I can't remember. I am not a good speller. It could have been C-o-t-e, I don't know.

Q Do you know the time period over which those cements were purchased from Eagle-Picher?

A Well, we bought several Eagle-Picher Cements from when I started at Sprinkmann's. Well, until Eagle-Picher gave up making cements and gave it to -- I can't think of the fellow's name that bought it, but he is down in Joplin, Missouri.

Q Was Eagle-Picher -- or strike that. Did you purchase more cement from Eagle-Picher than anybody else or can you give us any idea of the percentages involved?

A I would say we bought most of our cements from Eagle-Picher, yes.

Q What products, if any, did Sprinkmann buy from Standard Asbestos?

A Well, now, I presume when you talk Standard Asbestos you are talking the Standard Asbestos Company that was in Chicago that sold out to Baldwin-Lhret-Hill. And the products that we bought from them were Wool Felt and Air Cell.

Q Do you know another Standard Asbestos besides the one

you are talking about?

A I think there is one company called Standard or was a Standard Asbestos in Kansas City. I think they were a contractor or something, I don't know.

Q Did you purchase any products from that Standard Asbestos, the one in Kansas City?

A Yes.

Q What did you buy from them?

A We bought some cement from them, but now this was in -- let's see, when was this? In the sixties. And they manufactured a cement, and I think we bought a One Cote cement from them.

Q When did you buy the Air Cell from Standard Asbestos in Chicago?

A When? Well, that must -- well, there is a product that isn't being used anymore because fiberglass is taking its place. So, this was -- and when I first started fiberglass was brand new, and I don't even know if -- they had a thin, now they have half inch thick fiberglass which basically takes the place of what Air Cell used to take, low temperature, not low temperture, low pressure lines and cold water does them both. So from 1945 to '55, maybe even a little bit later we probably were still using a certain amount of those types of pipe covering, but then gradually, fiberglass took its place.

Q Did you buy most of your Air Cell from Standard Asbestos out of Chicago?

A Yes.

Q Do you consider Air Cell a white line product?

A No. Really, no. Like corrugated cardboard wrapped together, but it had some asbestos in it and it was white.

Q Do you remember purchasing a cement called No. 9 One Cote Cement?

A No. 9? I don't remember the number. I couldn't even -- we might have. No, I can't remember at all who made it.

Q I think Standard Asbestos, one of them made it.

A That might have been what we had. I don't know. I can't remember.

Q Do you remember a product called No. 65 Rock Wool Cement?

A I have heard of it, yes. I don't know whose it was.

Q Of the cement that you bought from Standard Asbestos in Kansas City was one of them a One Cote Cement?

A I believe the only one that we got from them was a One Cote cement.

Q Do you know when you purchased that? Over what years?

A It was probably in the sixties.

Q Do you recall purchasing asbestos products from GAF?

A Yes.

Q What asbestos products?

A All right. Really what happened is we used to, I think as

Baldwin-Ehret-Hill and the salesman used to call on us.

He was out of a job, had to look for another one. He got a job with GAF selling their white line called Calsilite, I think was the name of the product. And, so, he came in one day and gave us a pretty good price. And I think we bought anywhere from two to four cars, from him.

Q Did that go by the brand name Ruberoid?

A Yeah, I think was it Calsilite Ruberoid was the manufacturer. It was owned by GAF. I think that is the way it worked, I don't know.

Q Is the Calsilite white line products that you referred to the only items you remember buying from GAF?

A Yes.

Q And to your knowledge they contained asbestos, did they not?

A Those days, yes.

Q And that was pipe covering and block?

A Yes. It was very similar to Johns-Manville products.

I think they had a license out of JM or something, they had an agreement.

MR. CARLSON: Move to strike as being a supposition.

THE WITNESS: Oh, all right.

MR. CARLSON: That's all right. Go ahead, sir.

MR. YOUNG:

Q Were the products that were purchased from GAF purchased for the Sprinkmann employees to use on the job?

A Oh, sure. I mean, you know, it was regular white line. It was out of our inventory; part of our stock that we used.

Q Can you give me any idea in terms of the time period other than after this salesman went over to GAF?

A All right. It couldn't have been in the seventies. I think it was somewhere in the sixties.

Q Did you purchase for Sprinkmann any products from Armstrong Cork?

A I am sure we did.

Q Do you have a recollection of purchasing any asbestos containing products from Armstrong Cork?

A No. We used to -- just to clarify the record, if I may. We used to buy Armstrong Cork manufactured cork board here in the United States and they had some other outlet that was connected to them called Cork Import. And we placed our orders with Cork Imports. We had some kind of an agreement with them, and it was Armstrong Cork. So, either those two companies were affiliated in some manner or form.

Q What asbestos containing products, if any, did Sprinkmann purchase from Combustion Engineering, Inc.?

A That is something I don't think we bought anything from Combustion -- Combustion Engineering. The only thing I can remember with them they made boilers and we did bid and did some jobs for them, and not with their materials, with other peoples.

Q Did Sprinkmann purchase asbestos containing products from Pittsburgh Corning?

A Afraid, yes.

Q What products?

A What products? Well, we bought Unibestos from them after they bought it from Union -- from UNARCO.

Q Did Sprinkmann buy Unibestos from UNARCO and Pittsburgh Corning?

A Not at the same time, no, no, no. But we bought some Unibestos from Pittsburgh Corning, yes.

Q Were Pittsburgh Corning and UNARCO the only companies that made the product known as Unibestos?

A That I don't know. I don't know if some other company made it the same way too because there was a different type of manufacturing. They rolled it up somehow with fiber. I don't know how they did it.

Q When you speak of Unibestos you are talking about the brand names Unibestos, though, aren't you?

A Yeah.

Q Do you know any other companies other than Pittsburgh

Corning or UNARCO that sold the product that you know as Unibestos?

A There could have been one in Canada, but I am not sure. I think some of it might have been made in Canada. I don't know. I know some was made in Tyler, Texas, and that was a big plant.

Q Whose plant was that?

A Well, that was originally Unibestos. Pittsburgh Corning took them over when they bought Unibestos, which they wish they didn't.

Q Did you buy any other products from Pittsburgh Corning?

A Mostly foamblast.

Q Over what time periods did you buy Unibestos, whether from UNARCO or Pittsburgh Corning?

A Well, we bought Unibestos from UNARCO for work we did for the Wisconsin Electric Power Company in the tunnels in the street, and this goes back, I am sure, in the fifties. Could have been even some in the forties because the Electric Company specified that product. They wanted that product. So, that is what we bought from UNARCO when they made it, and then afterwards when they sold out we bought some from Pittsburgh Corning.

Q What asbestos products, if any, did Sprinkmann purchase from Forty-Eight Insulations?

A Well, Forty-Eight Insulations basically is a mineral wool

manufacturer, but they also made mineral wool cement, and I am sure that we bought some cement. We didn't buy many, but we bought some. And in those days all those cements had some asbestos in it. We had people that would ask for Forty-Eight Cement, Eagle. They'd order the cement buy the brand name. And, so, I think we used an order of Forty-Eight Cement buy 50 bags at a time so if somebody wanted it we gave it to them.

Q Do you remember the name Weber's 48 Cement?

A Yup. Maybe that is the name I am thinking of.

Q Do you remember the name Super 48 Cement?

A Well, no, I can't recall. That was just probably an upgrade of the manufacturer change of formula or something, I don't know.

Q How about Weber's High Temperature Block. Do you remember ever buying that?

A No.

Q Over what time period did you buy the cement you are referring to from Forty-Eight?

A Well, we were buying that cement when I started, and that was, say, '45. We probably bought it for 10 or 15 years in small dribbles.

Q Do you recall purchasing any products from Atlas Asbestos?

A Yes.

Q What products?

A We bought from -- the only time we ever bought anything from Atlas Asbestos was when we were doing the terminal insulation for the first unit for Wisconsin Power and Light at Portage. The second unit just went in out there. Those are two brand new plants. And we had a couple cars of Atlas out there. I can't recall. Must have been in the seventies.

Q What kind of Atlas product was it?

A It was white line. And, again, I can't say whether at that time there was still asbestos in it or not. I can't recall that.

Q That is the only time you recall purchasing from Atlas?

A Yeah, as far as I know that is the only time they ever had an order.

Q Did you purchase any Kaylo prior to 1958?

A Well, digging back into my memory I would have to say we did. It seems to me when we bought Kaylo that we placed an order, and I can't recall what it was or how much it was, with Owens-Illinois prior to the advent of Owens-Corning, buying Kaylo from Owens-Illinois. And ever since that then, when, of course, Owens-Corning bought it then Building Service had it and we have had a certain amount from them. And also our Illinois corporation is a distributor for Owens-Corning, so, you know, they wanted something we have had. There has been a certain amount of

interchange.

Q Do you recall purchasing any Owens-Corning cement?

A I don't think Owens-Corning made cement; they brokered them. They bought them from somebody else; maybe had their brand name, I don't know. No, no, we never bought any from them.

Q Does Kaylo fall into the white line that you refer to?

A Yes.

Q What do you mean when you say "white line"?

A Well, at this particular temperature material that is used for the thermal insulation in power plants outside of mineral wool is white, and white is Kaylo; it is Johns-Manville material. What do they call -- there is a name, it used to be Thermobestos, now they call it something else. They take the asbestos out of it; fiberboard material. It is all white.

Q Baldwin-Ehret-Hill's material was white line?

A Oh, sure.

Q The Calsilite you purchased, that is white line?

A That is correct. White line is basically the material that is -- now, it goes up to about, well, 12 to 1,500 degrees with the exception of mineral wool.

Q Do you consider Unibestos falling in the white line category?

A Yes.

Q Do you recall whether Sprinkmann ever bought any asbestos

containing products from Flintkote?

A Flintkote? Everybody smiles. I can see there must be an attorney for Flintkote here. But we bought a black material which we called Fibrekote through Ehret and that was made from Flintkote. Now, that was a black weatherproofing. Later on we bought some more of that from Flintkote and whether that had asbestos in it or not, who knows. You know, they put -- they used to put asbestos in paint, so, who knows. They did. They used it as a binder.

Q When did you buy the Fibrekote you referred to?

A Well, we were buying that as a weatherproofing when I first started. We are still buying certain amounts of it from Flintkote. I don't even know what they call it now. We buy it right from Flintkote, 50 gallons at a time. We don't use much of it, but it is a black material.

Q Is it a paste or some sort of thing?

A Well, if you know what it is, it is a weatherproofing; it is not asphalt. It is all black. I don't know.

Q An emulsion?

A An emulsion or emulsified asphalt with maybe some -- I don't think there is asbestos --

Q I'm sorry, did you finish?

A I don't think there is asbestos in it now, but I think there was.

Q Do you consider Air Cell falling in the white line category?

A Really no because that was a low temperature material.

Q Mr. Locher, can you tell me over the years in comparison to the other products you purchased how much Kaylo was purchased by Sprinkmann?

A Let's see. We had a couple cars of that, or one car from Portage; a very minimal amount really. Now, the reason -- I will tell you why if you want to know -- because basically Kaylo is Owens-Corning. Owens-Corning is distributed by Building Service, and we distributed other materials. And basically they were our competitor really in a lot of these lines. So, if we could buy directly from a manufacturer, that is where we bought from.

Q I take it from your testimony, correct me if I am wrong, that primarily you bought from Baldwin-Ehret-Hill in terms of your white line, and some of these other manufacturers filled in the remaining percentages; is that correct?

MR. LIEB: Object to the form of the question.
Lack of foundation.

MR. YOUNG:

Q You can answer.

A What?

Q He is making an objection for the record.

A Now I forgot what you said. I'm sorry. I am listening to two people. I am getting old.

Q What I am really trying to get from you is your best estimate in comparing the company that you bought from of white line products over all of the years that you were primarily responsible for the purchasing.

A Well, with the exception of probably the last 10 years it was 95 percent -- 90 -- let's call it 90 percent Ehret or Baldwin-Ehret-Hill. Now, the last 10 years you have been getting a lot of Johns-Manville.

Q If you were to rank the company from which you purchased would Johns-Manville come in second?

MR. CARLSON: Object to the form of the question.

MR. LIEB: Object to the form of the question.

MR. YOUNG:

Q In terms of the amount of white line products purchased by Sprinkmann.

A Since I have been there I would say Johns-Manville would now be second, yes.

Q Did you purchase more Johns-Manville than Kaylo?

A Yes. No question about that.

Q Can you comment in comparison to the other company how much PABCO was bought? We are talking just about white line products.

MR. HARRINGTON: Do you want it on a percentage

basis? He has already testified how much PABCO he bought. I will object. It has been asked and answered.

MR. YOUNG:

A You can still answer the question. I want you to comment about PABCO in comparison to the other companies that you purchased from. And you understand we are looking for however you want to give your best estimate in describing it. If you want to compare it to one of the other manufacturers or give us a percentage that is what I am looking for.

A Well, all right. I am going to do this a little different. Since I have been there up through, not including the last 10 years, most of our stuff was either Ehret's or Baldwin-Ehret-Hill. Then probably the last 10 to 12 years we have bought predominantly Johns-Manville, but we have had some PABCO. We had four cars of PABCO up here at Point Beach; I believe there were four cars up there. How that ranks in percentage -- maybe we have had a couple more, but it would have been Baldwin-Ehret-Hill, Johns-Manville, and then PABCO really.

Q How does the --

A PABCO very small.

Q How does the quantity of PABCO purchased by Sprinkmann compare with the quantity of Calsilite purchased by Sprinkmann?

1 A Well, I am sure it was more because Calsilite only
2 got one order. Whether it was two or three cars, I don't
3 know.

4 Q How does the quantity of PABCO that was purchased by
5 Sprinkmann compare to the quantity of Kaylo?

6 A I think we have used more PABCO materials than we have
7 Kaylo; quite a bit more really.

8 Q How does the quantity of Unibestos that was purchased and
9 used by Sprinkmann compare with PABCO?

10 MR. HARRINGTON: I will object to the form of the
11 question; without foundation.

12 MR. HANKEL: Join in the objection.

13 THE WITNESS: Basically we only used Unibestos
14 for the street work for the Electric Company many years
15 ago, and then we did use it at Point too, the nuclear
16 plant at Point Beach.

17 MR. YOUNG:

18 Q On those jobs most of the stuff used was Unibestos?

19 MR. HANKEL: Object to that, to the form of the
20 question.

21 THE WITNESS: At Point Beach, yes.

22 MR. YOUNG:

23 Q How about on the street jobs?

24 A Yeah.

25 Q Now, I want to ask you the same sort of questions in

terms of the cements that were purchased by Sprinkmann.

You have already testified that most of the cements were

Eagle-Picher Cements; is that correct?

A Mm-hmm.

Q Who else did you buy cements from?

MR. KILMER: I will object unless you put it in period of time now because he indicated he purchased Eagle-Picher Cement up to a given period of time.

MR. YOUNG:

Q Well, let's start off with who else did you buy cements from in general?

A All right. We bought certain cements from Forty-Eight Insulations. I think we have already identified that. We bought some cements from Standard Asbestos in Kansas City. We had a little bit of Ryders the past 10 years. Baldwin-Ehret-Hill Powerhouse. There is one we forgot.

Q How does the -- just talking about the time over which you bought cements from Eagle-Picher now. How does the quantity of the Eagle-Picher Cements Sprinkmann purchased and used compare with the quantity of Baldwin-Ehret-Hill Powerhouse Cement purchased and used during that period of time?

A How does the what?

Q The quantity --

A Oh.

Q -- of the Eagle-Picher Cement purchased compare with the quantity of the Baldwin-Ehret-Hill Powerhouse Cement?

A Well, I think over the years we used a heck of a lot more Eagle-Picher than we ever did Powerhouse. This is a funny thing with the cement business. You know, one cement does the same thing, but this guy likes this one; this guy likes another one. I can just -- it is a little up in the head. One of the first things that happened to us after the war we sold a mastic, a black cutback of something we put, finished over cork board on ceilings because you couldn't put cement there; it would fall down. And for a while all the drums were coming with a white top on it, then they discontinued and the drums were green. So, then they come back and the men would think this is different material, the coverage isn't the same. It was the same stuff, basically the cement, I don't care who's manufacturing. Take your pick.

MR. YOUNG: I have no further questions.

E X A M I N A T I O N

BY MR. CARLSON:

Q When you started with Sprinkmann back in the middle forties other than purchasing material what other job responsibilities did you have?

A What other job responsibilities did I have? Well, I was in the same office from the fellow that hired me really,

so, I was involved in almost anything that came up. I started out doing a lot of collection work, that was one of my first things. "Here is an old account, see what you can get." So, I played around with that.

I got involved in the purchasing. I got involved -- in those days all the invoices were made through -- they all had to come over and go over his desk. So, we just collected them and made sure that was done correctly or billed correctly. I got into some other things too I suppose.

Q Did you do any bidding?

A What?

Q Did you prepare any bids?

A I prepared some material only bids. Yeah, I have done some bidding; not much, but some, yes.

Q Did you ever have a part of your responsibilities the assigning of particular employees to given jobs?

A No, no. See, I don't know. We had some estimators. They estimated and sometimes everybody did everything. You got to remember we were small when I first started, and it has grown pretty large. And then we also had one fellow -- well, we had one fellow now whose job it is to assign workmen to different jobs.

Q Who was that back in the forties who had that job?

A Back in the forties I don't think anybody had the job.

1 Then it was done basically by two people.

2 Q By whom?

3 A Kenny Karn and Clarence Wahner.

4 Q Either of those gentlemen still alive?

5 A Wahner is, yes.

6 Q Where is he located?

7 A I guess he lives out on the County Line Road.

8 Q In the forties did you ever go out on the job site and
9 see where the asbestos materials were being used?

10 A I am sure I saw it, yes, because I know that I went out.
11 I think I have been up to Port Washington. We were
12 doing units for Port Washington. I saw it installed; men
13 working with it.

14 Q You knew working with the asbestos products back in the
15 forties was somewhat dirty work in that it was very
16 dusty?

17 A Well, I am sure it was dusty, yes, but I am sure we did not
18 have -- did not know in those days, you know, that asbestos
19 could cause cancer or whatever they call it.

MR. CARLSON: I am going to move to strike your
answer other than which was responsive, as the rest
not being responsive.

20 Q What I am trying to find out is regardless of whether
21 or not you knew what the effects of asbestos dust was,
22 it was known back in the forties that it was

dusty work, correct?

A Well, it wasn't all dusty. If you cut it a lot then it got dusty. You could put it on with two sections and it wasn't dusty.

Q Okay.

A Not like down in the coal mine where you have all the black dust stuff floating around.

Q Sometimes if you were cutting the asbestos or mixing a mud you might have some dust and other times you wouldn't have any dust, correct?

A Yeah, that is probably true; but, it wasn't no cloud of dust in a room like --

Q When a worker --

A -- like if everybody is smoking cigars in here.

Q When a worker back in the forties was cutting asbestos and it did become very dusty what did he do to keep from breathing that dust?

A I don't know. I don't think that he knew or anybody else knew that there were any effects really. I think that all came out later as far as we were concerned.

Q When is the first time you recall any Sprinkmann employee using a mask or respirator or other type of device to avoid breathing the asbestos dust?

MR. GOLDBERG: We object to that as without foundation.

MR. CARLSON:

Q Go ahead. Do you recall the question, sir?

A When do I recall somebody using -- boy, it is hard to recall it, but I know that -- I think that they used them long before, you know, in certain instances certain people put on something before, you know, it was known as a disease or something.

Q Would it be fair to say based on your recollection that sometime in the middle or late fifties some of the employees were using masks?

MR. GOLDBERG: We object to --

MR. CARLSON: Wait a minute, let me finish the question.

MR. GOLDBERG: I'm sorry, I thought you were through.

MR. CARLSON:

Q Would it be fair to say by sometime in the later fifties or early sixties some of the employees at Sprinkmann were using masks to avoid inhaling asbestos dust regardless of whether or not they knew what the problems associated with the dust were?

MR. GOLDBERG: Don't answer. We object to that. There is no proper foundation. It is calling for a conclusion of the witness which he is not qualified to make.

Do you recall the question?

MR. CARLSON:

Q Do you recall the question?

A I missed the point.

Q Sure. Were some of the Sprinkmann employees using masks back in the late fifties and early sixties?

MR. GOLDBERG: I presume my objection goes to that question?

THE WITNESS: I don't think anybody used masks out in the field.

MR. CARLSON: Okay.

THE WITNESS: Don't get me wrong, but I think they used some once and awhile in the Fab Shop when we were making blankets. I don't know why, maybe it was itchy or something. Maybe that was the reason; who knows? I don't.

MR. CARLSON:

Q But this would have been the latter part of the fifties when they were using masks?

A They didn't use them all the time; you know, that was up to their, you know -- some of the stuff was itchy; some of it they could have put on for fiberglass. God knows what. I don't know. We didn't have too many of them around because nobody, you know -- and the dust was nothing. If you talk about dust empty a bag of Portland

1 cement. It is not nearly as dusty as that.

2 Q What I am trying to find out is am I correct in saying
3 that sometime in the latter part of the fifties, for what-
4 ever reason it may have been, some employees at Sprinkmann
5 sometimes would use a mask when they were making blankets?

6 A That is very possible, yes.

7 Q You recall that as occurring because you were working
8 with the company at that time, correct?

9 A Yeah, I think especially in the summertime when it
10 got hot maybe. I don't know. I am trying to remember
11 some hot weather.

12 Q It was during the hot weather that you remember them using
13 the masks?

14 A Yeah, it would seem to be that, yes.

15 Q And did the asbestos blankets -- strike that. The blankets
16 we are talking about were asbestos blankets made by your
17 company?

18 A Yeah.

19 Q Now, do you recall some Sprinkmann employees on some
20 occasions using masks when working with asbestos products
21 out in the field in the early sixties?

22 A Do I? No.

23 Q Do you recall any Sprinkmann employee ever using masks
24 or respirators while working out in the field with
25 asbestos products?

A That I really can't recall. I didn't get out in the field that often to know what was going on out there.

Q Did you ever read the warning that was put on the Johns-Manville products in 1964 and thereafter?

A I probably did.

Q Do you know what, if any, steps --

A I don't know what it means.

Q Pardon?

A I can't recall it, but I probably did. I am sure that I read everything on the cartons.

Q Do you recall what, if anything, Sprinkmann did in terms of advising its employees in 1964 or 1965 to use masks or respirators when working with asbestos products?

A If -- let me answer that in a different way. If we would have had something from the manufacturer to tell us certain things we probably would have done it. But I mean I can't -- I don't know -- again, I don't know which date when we had asbestos, when we didn't have asbestos.

MR. CARLSON: All right.

MR. GOLDBERG: Move the answer be stricken. It is based upon speculation.

MR. CARLSON:

Q As I correct in saying, sir, that you do recall reading what was on the cartons of the products your

1 company was buying back in the middle sixties?

2
3 MR. GOLDBERG: We object to that as not a proper
4 statement of his testimony.

5 MR. CARLSON: I think that makes a proper state-
6 ment.

7 Q Go ahead and answer the question.

8 MR. GOLDBERG: He said he probably did. He didn't
9 say he recollected doing it.

10 THE WITNESS: I am sure that I have read every-
11 thing that is on the cartons, but I will be darned if I
12 can remember what was on them.

13 MR. CARLSON: All right. That is fair enough.

14 Q Was the transition from Baldwin-Ehret-Hill to Johns-
15 Manville something that occurred around 1970?

16 A Yeah.

17 Q So that prior to 19 -- strike that. Prior to 1970 had
18 you bought any of your products from Johns-Manville?

19 A Yes.

20 Q And when did you start buying from Johns-Manville?

21 A We bought from Johns-Manville when they opened up the
22 warehouse here in Milwaukee, and I can't remember what
23 year that was. And I think as a result of that, and
24 they continued, made a lot of calls on us and had some
25 sizes that we were buying. I know we bought some
26 for the last two. I think the last two units we had

at Oak Creek for the Electric Company and that was Thermobestos or whatever you call the product.

Q And that would have been about what year, do you recall?

A I don't know. I can't remember when the last two units at Oak Creek were finished.

Q Do you recall it being in the later part of the sixties?

A I would guess that.

Q Do you have a specific recollection today, sir, of ever reading the Johns-Manville warnings on its products?

A Right now the only one I could remember is the one that is on your fiberglass.

Q Do you recall warnings on products manufactured by other companies which contained asbestos?

A I don't recall them, no.

Q Who in 1964 was in charge of safety for Sprinkmann?

A That is a good question. I really don't know if anybody was in particular. I know that things that we were interested probably in those days more than anything else as far as the safety record was to the insurance companies. And I know the insurance, Employers Mutual went out and checked our jobs.

Q Do you recall who from Employers Mutual was handling your account at that time?

A No, but I can see him. I can't remember.

Q Can you describe him for me?

A No. I know he used to go skiing once and awhile. I think he was a skier.

Q Was Employers Mutual the compensation carrier for your company throughout the sixties?

A Yes.

Q Is that also true in the seventies until the time you left?

A Yes.

Q When do you recall Employers Mutual first providing workman's compensation for Sprinkmann?

A When? We were using them when I started.

Q So, from '45 or '46 until you left it was all Employers Mutual?

A Yes, workman's comp and what you are talking about.

Q What recommendations did Employers Mutual make, if any, at any time during the, referable to the use of masks or respirators for insulation workers?

A I can't -- I don't know.

Q In the latter part of the 1960's do you recall whether or not Sprinkmann employees were using masks or respirators?

A I don't know what year that we started getting all the stuff. We got it about the same year that all the contractors got it, that is all I can tell you.

Q Regardless of what --

1 A I don't know.

2 Q Regardless of what ever year that may have been when
3 your company did obtain masks or respirators for your
4 employees use was it mandatory that insulation workers
5 use these masks?

6 A Well, I don't know whether it was mandatory. That is
7 one of those things that you could make it mandatory but
8 how are you going to prove they did it. They don't want
9 it; it is in their way. That happens too.

10 Q To the best of your recollection was there a requirement
11 by your company at some time that the employees use
12 masks or respirators when working with asbestos products?

13 A Was there?

14 Q Regardless of whether or not they followed it, was there
15 a requirement at some time that they use the masks and
16 respirators?

17 A Well, I think there was for certain types of applications.
18 Again I can't recall that. If it does call for that
19 the fellow that would know that would probably be
20 Ralph.

MR. YOUNG: Mr. VanBeck?

THE WITNESS: Yeah.

MR. CARLSON:

Q Did you do the purchasing of the respirators?

A Did I?

1 Q Right.

2 A No.

3 Q Who did?

4 A Ralph, the fellow that was running the men.

5 Q Okay.

6 A That is why I say Ralph would know. Whenever we had
7 certain directives from certain places, why, then that
8 is when we first found out about things and we did what
9 we were supposed to do.

10 Q At any time --

11 A We never tried to violate any rules, let's put it that
12 way.

13 Q At any time prior to today have you ever heard that there
14 is some association between cigarette smoking and
15 asbestos in producing certain diseases?

16 A Have I heard that prior to today?

17 Q Right.

A Yes, I have heard that.

Q When do you recall hearing that for the first time?

A When?

Q That's right. How long ago or how long have you
known that?

A Well, you know, I don't know it; I am not a doctor.

Q No, I appreciate that. I am not asking from a
scientific standpoint, but just when you heard of that.

1 A This I really can't tell you. All I can tell you is,
2 you know, I have had a heart attack, and even before that,
3 that is five, six years ago, before that I had a doctor
4 at my house at 2:00 o'clock in the morning and it was
5 something else. And he says there is a sign on the wall,
6 it says, "Stop smoking" and it was stop smoking not only
7 for cancer but also for it does something to the blood
8 or the veins. And I haven't touched a cigarette, I think,
9 for six years now. I was a heavy smoker, and I am dead
10 against anybody that does because I think whether they
11 work with asbestos or anything else smoking is very bad
12 both for cancer and vascular disease.

13 Q Are you presently suffering from any asbestos related
14 disease?

15 A Not that I know of, no.

16 Q In response to some questions from Mr. Young you indicated
17 that the second largest supplier of materials to your
18 company after Baldwin-Ehret-Hill was Johns-Manville;
19 am I correct in saying that?

20 A Well, yeah, right now the largest majority of our
21 materials are coming from Johns-Manville and have been
22 probably for the last 12 years.

23 Q Okay.

24 A We tried to put that in perspective of 35 or 40 years
25 and that is what I try to do.

1 Q We now -- strike that. Johns-Manville, of course,
2 has not been supplying asbestos materials to your company
3 since what, '73, '74?

4 A Oh, they have supplied before that.

5 Q No, I am talking the last time that your company
6 received asbestos material from Johns-Manville was
7 about 1973, isn't that right?

8 A Oh, in other words, the year that they quit putting it
9 in?

10 Q That's right.

11 A I can't remember which year it was. You are somewhere
12 close. I don't know what year it is. I know that
13 Johns-Manville just like other manufacturers they
14 stopped making asbestos. When they had some of the
15 other stuff on the shelves and you ordered a car you
16 got some of this and some of that. But we did have
17 some with the asbestos in it, and now it comes back.
18 There was a warning sign on those asbestos cartons, I
19 remember that.

20 Q What precautions did your company follow to make
21 sure that the workers did not inhale the asbestos
22 dust when you received those cartons with the warnings?

23 A Well, I think -- going back I think after we -- you
24 know, JM, they had a big stock of stuff just like
25 everybody else and wanted to get rid of their old

1 inventory. And I think after we got our first cars
2 it was mixed from then on, all our orders specified
3 no asbestos, we wouldn't accept it.

4 Q Okay.

5 A And we didn't.

6 Q All right. So, that is sometime when, about 1973?

7 A I don't know. You probably know the year better than
8 I do.

9 Q All right. Am I correct in saying that your company
10 to the best of your recollection only purchased asbestos
11 containing products from Johns-Manville from somewhere
12 between 1970 through whenever Johns-Manville stopped
13 selling the asbestos products in '73?

14 A You said starting in '70?

15 Q Right.

16 A No, I don't know what year. I know that we used, I
17 think, four cars on the last two units of Oak Creek.
18 Okay. Now, what year that was I don't know.

19 Q All right. We have got four cars that we will assign
20 to the Oak Creek job. Okay. Other than those four
21 carloads did the bulk of your purchases from Johns-
22 Manville occur between 1970 and 1973?

23 A This is 1980. 19 -- probably in '69. I don't know.
24 Maybe it was '69. I can't exactly remember.

25 Q Sometime between the area of '69 or '70 and '73 and

'74, would that be a fair range for the period of time you bought from Johns-Manville products that contained asbestos?

A I would say yes. I would say that. Of course, we bought from -- you got to remember we bought some of Johns-Manville when they put a warehouse over here on Walnut, and then we took, you know, we'd run short of this, so, fine, we took some of Johns-Manville's things and they gave us pretty good service. That is one reason they got some of the stuff from the last two units down at Oak Creek.

Q For how many years, sir, did your company buy cement from Forty-Eight Insulations?

A How many years?

Q That's right. Over what timeframe.

A We were buying some cement from Forty-Eight ever since when I started.

Q 1945 through --

A Well, maybe '55 or '60. But I want to qualify that because really when you say how much cement, we bought damn little because we had only one or two -- sold mostly Eagle, but we had one or two customers that the order would come through, "I want 25 bags of Weber's Forty-Eight," or some dumb thing. That is what they want; that is what they got.

Q But for a period of about 15 years you were selling the Forty-Eight cement, correct?

A That it was on FOB sales. I don't think we ever used it on the contract work.

Q For how many years was your company handling the Unibestos products?

A Well, we started handling it when UNARCO got the specification from the Power Company on the street for work that was on the ground.

Q Okay.

A And, so, our basic purchases were for the jobs we had from the Electric Company and went in the tunnels and down the streets.

Q How many years did the --

A That probably --

Q -- did the tunnel work last?

A What?

Q How many years did the tunnel work last?

A It is still going on, but right now it has been converted to Johns-Manville material.

Q The tunnel work started sometime in the middle or latter forties?

A It has been going on every year that I know of since I started with Sprinkmann. There has been certain rejuvenation of the steam lines that are under the streets

around here for the heating system.

Q Am I correct in saying for virtually all of that work your company was using Unibestos products?

A Up until the recent years. There was one job we didn't use -- we used some type of a Zonolite that we mixed with concrete and made a monolith and wrapped around like cement blocks, lightweight something or other. It was called Z-crete. It is no longer being used.

Q Would I be correct in saying that regardless of who manufactured it you had been using a product known as Unibestos for about 25 years?

A Well, basically longer because I retired June 31st and I know that we started using it in the late forties at the Wisconsin Electric Power Company, and our last order of it was at the Point Beach Unit when we did some work up at Point Beach.

Q Would I be correct in saying --

A Whatever year that was.

Q Would I be correct in saying that to the best of your recollection for that entire timeframe 1945 until -- strike that. When was the last time you recall using Unibestos that contained asbestos?

A Well, the last time we used it.

Q Okay. Do you have any recollection of when it was?

A At Point Beach. I can't --

Q Middle sixties, latter sixties?

A When did those units go on the line? Just before that.
I can't remember which year those two nuclear ones went on.

Q Were you buying substantial amounts of Unibestos during the timeframe we are talking about on a yearly basis?

A No.

MR. HANKEL: Object to the --

THE WITNESS: The only place we use it was on these specific jobs.

MR. CARLSON:

Q All right. How many carloads of that would that be a year?

A Well, some years it was a carload -- you know, some of the years it was less than a carload, whatever. When we got to Point Beach there were several carloads. I can't recall how many.

Q Would I be correct in saying, sir, that you have no information upon which to determine if any given Sprinkmann employee was exposed to any given manufacturer's products or are there some employees that you recall working with some manufacturer's products?

A No, I can't say. Joe worked exclusively with that.
No, no way. I have no idea. I don't think anybody does.

Q We do know that the people working under the streets

were working with Unibestos don't we?

A That is correct.

Q And likewise we know the people in Point Beach were working with Unibestos?

A That is also correct.

Q What are some of the specific jobs you recall the Kaylo being used on?

A Well, we used some Kaylo on Portage I know that. Outside of that I can't recall really.

Q How would I go about reconstructing what products were used on what jobs?

A Even the job files we'd have to go through and probably have been destroyed by now because they go back, I mean a lot of, 500, 1,000 or 1,500 jobs that were done out of stock, who knows. Most of it again was Ehret materials because that is what we had in stock. Most of the stuff for the street was big pipes, I know that. Only specific jobs that I know was that we used the Unibestos up at Point Beach and we had a power plant out in Iowa someplace or Dakota where we used PABCO materials, I know that.

Q Any other specific jobs you recall that PABCO products being used on?

A No, that was the largest job. It was in Iowa or Dakota, I can't recall; some large power plant out there, out

that way, west.

Q When is the first time you personally understood that there may have been some health hazards involved with working with asbestos?

A That would be an awfully tough one to point to really.

Q Approximately how many years?

A God, I would rather take the Fifth Amendment to that one because I don't know really. You know, we have heard about it. I couldn't tell you. I lose track of time.

I could be so far off on that one it would be wrong, but I do know that -- you know, I think you guys got to know about it at approximately the same time. What time it was or what year I give up.

Q Did you receive or read any union publications?

A Well, we always received the "Asbestos Worker" which we had, and I am sure that --

Q You recall reading articles that appeared in what were called "The Green Sheet", articles that had to do with health of the workers?

A I think I have, yes, but I mean I, you know, I remember looking at the magazine and glancing over it and reading this article or checking this, seeing something; but, I mean, you know, we had the magazine sent to us.

Q Would I be correct in saying that whenever articles in "The Green Sheet" -- strike that. Whenever articles in

the "Asbestos Worker" first started coming out relative to potential health hazards of insulation workers the company then became aware of those hazards?

A Well, I don't know whether we became aware of it because of the union or because of the manufacturers or how we became aware of it. I know that -- I think all of us became aware of it at about the same time, and then we started getting some asbestosis cases through the insurance companies, and up, up, up goes the insurance rates. We were all concerned.

Q When did those start, if you can recall?

A Ask the insurance company. I can't recall.

Q Was there a time lag between the time that you folks were told that there was some problems with asbestos and the time that you actually believed it?

A I don't think so.

Q So that whenever --

A I don't think -- if somebody said something I don't think anybody took a negative attitude, no.

Q So that whenever your company first issued notice of a potential hazard of breathing asbestos dust your company immediately followed directions and got respirators?

A Probably wanted to know what it was all about.

Q Am I correct in saying that when your company found out there was a potential your company went out and got the

respirators?

A I don't really think I can answer that because I couldn't tell. I mean we are putting in a timeframe I don't know. I mean track of dates now. I can't tell you.

Q Do you recall any employees from your company complaining about respirators being uncomfortable to work with?

A Oh, I am sure I have heard that, yes.

Q When is the first time you recall hearing that?

A I don't know. I couldn't tell you, but I know I have heard it, yes.

Q Was it in the sixties or seventies?

A I don't know. I couldn't tell you, but I know I have heard it. You know how the asbestos workers are, "This God damned thing is no good," and out with it. Some say, "Yes, we will use it." You know how they are.

Q Were there other safety appliances or devices that they were unhappy with too besides respirators?

A They could be unhappy with most anything depending how they were that day, you know. They were probably unhappy because maybe we should have done the job quicker or all kinds of things. You know, there were good days and bad days. Who knows.

MR. CARLSON: Jim is going to ask you a couple questions because he has to go.

E X A M I N A T I O N

BY MR. CULHANE:

Q Do you recall the name of the salesman from GAF who sold you this Calsilite?

A Yeah, Bill Carter.

Q C-a-r-t-e-r?

A C-a-r-t-e-r, yeah.

Q Was he employed by GAF at the time?

A Well, either GAF or Ruberoid, I don't really, know, just, you know, that was it.

Q And you purchased two or three carloads; is that correct?

A Yeah.

Q Do you recall what happened to those two or three carloads?

A They went into stock, that is all I remember. They were not purchased for a specific job.

Q Do you know whether or not they were used by any Sprinkmann employees?

A I am sure they were.

Q But all you know for a fact is that they went into stock?

A They went into our inventory and were used; as somebody needed this on this job it went out. It wasn't separated from the other stuff, no.

Q Just got co-mingled with other white line materials?

A Yeah, if it was like a history sheet of three-quarter

1 inch and we had 20 feet of that and 20 feet of Ehret
2 or Johns-Manville, you know, 60 feet were together and
3 that did the job.

4 MR. CULHANE: Okay. Thank you very much. Thanks,
5 Don.

6 E X A M I N A T I O N

7 MR. CARLSON (Cont.):

8 Q When respirators were being used by your company's
9 employees can you tell me what kind of respirators they
10 were?

11 A No, I can't. I know that we started with certain ones
12 and then we have changed a couple times. I have no idea.
13 Supposedly we got -- we were trying to get the best
14 ones, and we have changed two or three times or four times
15 over a period of years, or there has been improvements
16 in the respirators, I don't know. I can't tell you.
17 We probably got some of that information from the
18 manufacturers recommending which ones or something. We
19 normally believed what they told us.

20 Q When you were buying the JM products who was the rep
21 that was selling them at that time?

22 A Well, we originally bought them when JM had their ware-
23 house in town, and at that time -- going back Ed
24 Kordy used to call on us, then it was Homer Osgood when
25 he had this place out over here, then somewhere in the

last 10 or 11 years ago JM made Allied Insulation distributor or whatever you want to call it so they could get more of the Wisconsin market and compete with Building Service, so, then we have been buying. So, we bought some direct and some through Allied, and some out of your Chicago warehouse.

Q In the period of 1970 to 1973 did you buy asbestos products from other manufacturers as well as JM?

A I am sure we did.

Q Can you tell me which of the other companies you bought from?

A All right. We were probably buying -- what period now?

Q '70 through '73 -- or make it '69 through '73.

A Well, we bought -- again, I don't know what year we did Point Beach.

Q Okay.

A That would fit in that time period. That is when we bought the Unibestos, but that was shipped directly to Point Beach. What we bought for inventory, no. What we bought for inventory and stock was probably all Johns-Manville at that time.

Q Do you recall any other jobs in '69 through '73 time-frame where the material was sent directly to the job as it was at the Point Beach Power Plant?

A Well, the material that went out to that -- what the

heck was the name of that power plant we did out in the Dakotas or wherever it was that went direct. Now, whenever there was a large job that could handle a carload, so, the materials went direct. But on the other hand during those period of years outside of those power plants we lost a lot of industrial work, and white line is mostly used for industrial work, power plant work and power plants that manufacturers have and so forth. And really our use of the material decreased and the use of fiberglass increased.

Q Were you -- is there any way that I could go out and compare the volume of JM purchases with, for example, the volume of purchases from any one of them, Eagle-Picher, in terms of the amount of material?

A Well, if you go out there they might have the answers to that, I don't know. I will tell you that, you know, JM got a hell of a lot than Eagle-Picher.

Q After 1969?

A Oh, sure, Eagle-Picher only got a cement. Cement use decreased too really, I don't know why. Probably decreased because you got those white paper jackets and zeston fittings, all prefabricated stuff, maybe, that is the reason.

Q Prior to 1970 were most of your company's jobs industrial jobs?

A Prior to what?

Q Prior to 1970?

A Well, I don't know. We have no IBM computer record to say what and how we classify them by industrial, commercial, cold storage. And we were in the ceiling business, acoustical business. I don't know which percentage was which really.

Q Prior to 1970 was most of the insulating materials used by your company asbestos insulating materials?

A Prior to what?

Q 1970.

A I am going to answer that saying that when they, you know, the manufacturers and everybody knew asbestos and cut it out we wanted to cut it out as fast as we could, which we did; so, whatever year that was, that was the year. I don't know whenever it was. It was in that area somewhere.

Q How about in terms of the capabilities of the asbestos products. Fiberglas became more and more widely used, did it not?

A Yeah, but I wouldn't say it came -- you can't -- you know, you don't use Fiberglas in the power plants except in cold water if you can't do it for the thermal, but there was an awful lot of commercial buildings like here, that First Wisconsin, you know, that is

all fiberglass. There is not white line in there where the mechanical -- you need it to insulate the mechanical heating, ventilating, air conditioning and plumbing, that is all fiberglass.

Q Was most of the work your company did after 1970 work that involved the use of fiberglass rather than asbestos products?

A Well, that is the last 10 years.

Q That's right.

A Yeah, I would say, you know, if we compare purchases of our glass ours is way up there compared to white line, yes.

Q Just for my own information whose fiberglass products were you using?

A Johns-Manville.

Q When you say that Johns-Manville products were used --

A I hate to tell you even when we bought from Ehret. In those days the area they had or Baldwin-Ehret-Hill, I can't remember what years, they had an agreement with Johns-Manville, and we bought fiberglass through them, and it was Johns-Manville fiberglass cheaper than they could buy it from Johns-Manville. Drove me crazy.

Q Do you know any of the people that have started litigation as a result of contracting asbestos related diseases?

A I suppose I have, yeah. I don't know who is all represented in this suit, but I knew a lot of the pipe coverers

and a lot of the other people.

Q Did you know Cliff Neubauer?

A I think I knew who he was. He worked for a competitor of ours.

Q Did you know Cliff Mason?

A Yes, very well.

Q Do you recall Cliff Mason ever wearing a respirator?

A No, I don't because with Cliff Mason he was an asbestos worker, and I can't remember when we took him out of the field and he came into the office and was an estimator and salesman. And he must have been, I don't know, 10, 15 years. I can find out from the record how long he was in the office. So, when he worked in the field it was probably before these things were known.

Q Did Cliff Mason smoke?

A Did he smoke?

Q Right.

A He smoked a pipe only. No cigarettes or cigars. He smoked a pipe occasionally.

Q Did you know Walter Presechnik?

A I have heard the name.

Q You don't know him personally?

A No.

Q Clarence Reimer?

A Yeah, I know Clarence Reimer.

Q Clarence Reimer worked --

A He worked for us at one time or another.

Q Do you recall him working the tunnel jobs for the Wisconsin Electric Power Company?

A I don't know. He could have. I don't know. Can't remember who ran which jobs really.

Q Do you recall Mr. Reimer ever wearing a respirator?

A Do I?

Q Right.

A No, I don't.

Q Do you know Frank Witkowski?

A No.

Q Clarence Lillge?

A I know who Clarence Lillge is.

Q Did he ever work for your company to the best of your recollection?

A Yes, I think he did.

Q Did he ever wear --

A Part of the time. He worked for several contractors.

Q Do you recall Mr. Lillge ever wearing a respirator?

A I don't know. I can't recall that. I can't remember if he was on the field. I don't think he ever worked in the fabricating shop.

Q Did you know Erich Eckoldt?

A No.

Q Bob Gaynor?

A Yes.

Q Do you remember Mr. Gaynor ever wearing a respirator when he worked for your company?

A Again I don't know when they wore them, when they didn't wear them, or when they had them, when they didn't have them. I can't recall.

Q Is there any specific insulation worker that you recall wearing a mask? Anybody that comes to mind that you can say, "I know John Jones and I know he wore a mask"?

A I can't remember anybody in the asbestos workers union that I can say that about, no, that always carried one with them and wore one, no.

Q Even after it was known they should wear one, isn't that true?

A That could be true.

Q Do you know Bill Globig?

A Yes.

Q Bill ever work for your company?

A Yes.

Q Did he ever wear a respirator?

A I don't believe he did. Last job he had I think for us was over at Dow Chemical where it was cold storage with styrofoam or cold storage insulation. I don't think there was any white line on that job for asbestos.

Q Do you recall in the middle and latter part of the sixties any of your competitors who were requiring -- strike that. Do you know if your competitors were requiring their employees to wear respirators at any time?

A I really can't recall that, but I can answer that this way. I know that, you know, there is the Wisconsin Insulator Association which deals with a lot of the labor problems and what not, and, so, there is a -- everybody knows what is going on. Somebody learns something, they let everybody else know regarding the legal problems or safety problems or anything else so that we all try to comply.

Q Do you recall health or safety of the employees being topics of formal presentations at these association meetings?

A Well, I am sure there were. I can't recall any specifically. My God, we have all sure heard a hell of a lot about it, and I know it has been brought up at meetings.

Q When you have your meetings is there a published format of what is going to take place at the meeting?

A Like an agenda?

Q Right.

A Gee, I haven't attended a meeting in a number of years, so -- I think there is. Now there is, yeah. Maybe 15 years

ago there wasn't. It was a little more informal, but now they even got an executive secretary -- real fancy.

Q Have you personally heard the names of Dr. Selikoff prior to today?

A Yes.

Q How long have you known about that particular man?

A How long?

Q Yeah.

A Probably as soon as he made headlines.

Q Back in the middle 1960's?

A Whatever year it was. I don't know where it was.

Q Do you recall that when Dr. Selikoff's findings became known you became aware of them?

A Well, I think everybody did. He got a lot of publicity. And I think it went right through the whole insulation industry. I am not sure everybody agrees with Dr. Selikoff about some of the things he has done.

Q When you first heard about Dr. Selikoff and his findings did your company change its practices at all with respect to protecting workers from asbestos dust?

A Basically the only time that we made any changes for asbestos workers were, you know, in that particular field is when we had definite information from manufacturers. We relied on them really because they made the products; they should have known more about it

than we did. So, we relied on the manufacturers and we relied on the information that we got from the contractors meetings.

MR. CARLSON: For the purpose of the record I move to strike the answer as not responsive.

MR. HANKEL: Join.

MR. CARLSON:

Q When you found out about Selikoff's findings, when he made the headlines, then assume for the purposes of our question it was the middle 1960's.

MR. GOLDBERG: We object to that.

MR. CARLSON: Let me finish my question, will you, please?

MR. GOLDBERG: All right, go ahead.

MR. CARLSON:

Q Mr. Locher, assume for the purpose of my question that Dr. Selikoff's findings became known in the middle 1960's. Can you tell me what, if any, steps your company took after those findings were published to protect the insulation workers for potential hazards involved in working with asbestos?

MR. GOLDBERG: We object to the question. It is not a proper foundation and does not indicate when he knew about Selikoff's findings. The fact is not established as of time that he knew about it.

MR. CARLSON:

Q Do you recall the question?

MR. GOLDBERG: Answer.

THE WITNESS: Now, what was the question?

MR. CARLSON: Would you read the question back to him, please?

THE WITNESS: She hasn't typed it yet.

(Whereupon, the above-pending question was read back by the reporter.)

THE WITNESS: What we did as a company?

MR. CARLSON:

Q That's right.

A Really I don't think we did anything. The moment that we heard about him, whatever we did was brought up at INTCA, all these things, and whatever information was funneled out from them and from Midwest Insulation Contractors Association, plus the manufacturers, this is where we got our information because I think --

Q What manufacturers did you get information from, sir?

A Well, I think all the manufacturers, whenever they had something would pass it on.

Q Well, what specifically do you recall receiving?

A Nothing at the moment.

Q You told me you relied upon --

A All right, the salesman, or they came in or somebody

said something or we had a bulletin. I can't remember what the heck it was. I think everybody was involved in it and it was through formica and INTCA. And through our meetings we heard all this. And I think all the contractors acted as a group really; they didn't act as individuals. And they all got, I think ever since then nationally have been all aware of the problem. You can't say how you did something. No, I think we all acted basically as a group as soon as we assembled all the information that was available to us that we got from various sources.

Q Am I correct in saying, then, sir, that the -- strike that. Am I correct in saying that Selikoff's findings by themselves did not prompt your company to change its method of protecting employees while working with asbestos? Findings alone your company didn't do anything; is that correct?

A I would say that as soon as maybe he was the first one that recognized the problem it made us all aware of a problem. And, so, then I think we all acted together to the best that we could.

Q But the fact that your company found out that there was a problem as defined by Dr. Selikoff didn't change your company's practice; it was sometime later in working in concert with all of the other employees?

A And the insurance companies.

Q Okay. So, then there was a time lag between the time your company knew that there was a problem and the time that, for example, respirators were required, correct?

A Well, again I hate to say anything about the respirator because I can't recall the date and so forth.

Q When Employers Mutual was inspecting job sites in the latter part of the 1960's do you know if they were checking to see if respirators were being used?

A That I don't know. All I can remember is we were very conscious about safety because we tried to keep the insurance rates down; that is part of the cost.

Q Well, in the latter part of the 1960's who at your company would go out in the field to make sure that your employees were following generally accepted safety procedures regardless of what safety procedures we are talking about?

A I will tell you the guy that was out there prior to Ralph Van Beck is Cliff Mason. I mean he is gone..

Q Was it part of Cliff's responsibilities to make sure that people were following the rules and regulations of your company?

A That is true.

Q Did your --

A He was really the labor superintendent.

Q Did your company, to the best of your recollection, ever publish a safety rule requiring the use of respirators?

A I have seen so much stuff go out, I couldn't tell you whether there was, you know. We have sent so much stuff attached to payroll checks over the years that these are the rules or this or that. I couldn't tell you if it was done. When it was done I can't recall.

Q Did you ever have a safety manual or book of safety rules and regulations for your company's employees to follow?

A No, not one that we made up.

Q Whose did you use?

A We got safety information from the insurance company. We had -- I know that then we had something from Mine Safety or something, I don't know what that was. I can't recall.

Q Did you receive information from Employers Mutual relative to the safe handling and working with asbestos fibers?

A I can't recall whether we did or not. I can't remember that.

Q Is there any company's products that you specifically recall reading the warnings of on the packaging? You told me about Johns-Manville. Is there any --

A I specifically remember the one they have on their

fiberglas pipe covers. Now that one I just laugh at every time I see it. That is maybe the reason I can remember that one.

Q Are there any other companies that produce asbestos products other than Johns-Manville whose warnings you recall reading at any time?

A I can't, no. But I know that I have seen all the cartons and I have looked over all the cartons. I have read everything that is on them. If it was there I read it.

Q Did you do anything about it in terms of seeing that the respirators were used?

A I didn't personally, no.

Q Did anybody else in your company?

A Again I can't tell you that because I don't recall which dates. Maybe Ralph could give you the answers to that, I can't.

Q Was there anybody at your company that you recall developing some lung disorders back in the fifties or early sixties although it may not have been thought of to be related to asbestos?

A Was there what?

Q Was there anybody working for your company, insulation workers working for your company in the fifties or sixties that had some lung problems although it may

1 not have been recognized that the problems were
2 related to asbestos?

3 A Well, there is one that I can remember that died that
4 had cancer.

5 Q Who was that?

6 A That was Teddy Gottsacker.

7 Q How do you spell his last name?

MR. GOLDBERG: Who?

THE WITNESS: Ted Gottsacker.

MR. GOLDBERG: That wasn't the sixties.

THE WITNESS: What year was that? I know he
12 died. I thought he died of cancer.

MR. CARLSON:

14 Q I am trying to figure out what year that was.

15 A That must have been in the fifties, early fifties.

MR. GOLDBERG: Three years ago.

THE WITNESS: Not Gene.

MR. GOLDBERG: Not Gene.

THE WITNESS: I am not talking about Gene, I
am talking about his brother. He had an older brother.

MR. CARLSON:

Q Was there any discussion within your company at that time
as to whether or not his death was related to the
handling of asbestos?

A This I can't recall.

Q Anybody who had lung disfunction problems in the fifties that you recall that was working for Sprinkmann?

A This is the only one I can remember.

Q Prior to testifying here today did you review any documents?

A Did I?

Q Right.

A No, I haven't. I retired May 31st. I haven't been -- I was in the office a couple times. I flew up from Orlando this morning, so, I have no documents.

Q Talk to anybody at Sprinkmann about your testifying here today?

A No. They don't even know I am in Milwaukee. I haven't had any chance to call them and say hello.

MR. CARLSON: Okay. That is all I have got.

Thank you, sir.

MR. VAN VUGT: No questions.

MR. HANKEL: No questions.

E X A M I N A T I O N

MR. LIEB:

Q Mr. Locher, after Cliff Mason became an estimator can you tell me what percent of the time he spent in the field when asbestos material was being used by Sprinkmann and Son employees?

A Well, once Cliff was put into the office he came in and

basically his first job was to be in charge of the men. So, he put the men on the various jobs, that was his first thing. Then as things got better he somehow or other got some accounts, and all of a sudden he was bidding and getting some orders and did a hell of a good job I might say. And then how much time he was on jobs? He was dressed in good clothes. I mean he wasn't out doing any of this kind of, you know, had no white overalls on.

Q The fellow that has the accounts and goes out and tries to sell the job, that is an estimator?

A Estimator and salesman. He knew men. He knew some plumbers and fitters.

Q So what you are telling me --

A Got to be friends there. So, I got to be your friend, so, all right, I will get some of your business.

Q So what you are telling me is at the time he became an estimator he was basically in the office full-time wearing a coat and tie?

A Yes, sir.

Q And was his office in the same building you were?

A That's right.

Q In fact, how far away was his desk from your desk?

A One office over. There was one office between us.

Q Okay. Did Mr. Mason smoke a pipe at all times that you

knew him?

A He smoked a pipe as long as I have known him, but I knew he did not smoke it at work. I think he really and truly, you know, you read a lot about these things, and I am not the one to say, but, they say smoking and asbestos don't go together. And Cliff never smoked cigars, never smoked cigarettes that I knew of. He was a Marine during World War II and saw some heavy fighting.

Q Did you ever see him smoke?

A He smoked a pipe but hardly ever at work. Maybe sometimes when he drove the car. I would not call him a heavy smoker. Now, I was a heavy smoker. I smoked three packs of cigarettes a day.

Q Were you a personal friend of Cliff's at the time?

A I would say, yes, I was.

Q Did you do things socially with him?

A We did a few things socially, yes.

Q Did you do things socially with him in the year he died, 1977?

A '77?

Q That's right.

A I don't know. I know when he got sick that is when I was in the hospital, and I am sure that we probably had lunch together or maybe dinner together once or twice or something where we were at some company party.

Q In the year he died and the year he got sick did you ever see him smoke a pipe?

A I can't recall. All I know is, you know, I have been around a long time and I know people that got a pipe in their mouth all day long, cigars in their mouth all day long or cigarettes. I know the only thing that he smoked as long as I knew him was a pipe, and it wasn't constant, you know. It wasn't in his mouth all the time.

Q In your prior testimony you talked about Sprinkmann and Sons being a distributor for Ehret asbestos products; is that right?

A That's right.

Q Are you aware of any written distributorship agreement between Ehret and Sprinkmann and Sons?

A In those days there was a written agreement, yes.

Q Can you recall approximately the last year of a formal written agreement between Ehret or Baldwin-Ehret-Hill and Sprinkmann and Sons?

A No, I can't.

Q Would it be sometime in the mid sixties or earlier?

A You know, originally when I started there were written agreements and you had certain territories, and then came some damn law or something and you couldn't have these things anymore, I don't know what.

Q Who is the person you worked with from Ehret Manufacturing

Company?

A I forget the fellow that was there when I first started. He was an old man -- old fellow, and he was just there a couple years, and then Ernie Drake.

Q Is that D-r-a-k-e?

A D-r-a-k-e. Somebody took his job; didn't work out, then they hired Ernie. Ernie came up from Texas and he moved to Chicago and the Midwest, had the Midwest territory.

Q For how long did Ernie have that Midwest territory?

A Well, he had it with Ehret and he had it during the merger, and then he had it when Ehret bought Standard Asbestos in Chicago. And he moved and had his office there and maybe was there maybe a year. And then he -- yeah, then he left. I don't know why or the wherefores, then he left.

MR. LIEB: I have no further questions.

E X A M I N A T I O N

MS. BLOCK:

Q Mr. Locher, you stated earlier that you knew that Sprinkmann used a black weatherproofing material from Flintkote; is that right?

A Yes.

Q Do you know what that material was used for?

A Well, yeah, it is a weatherproofing that they put over fittings and so forth that they applied with a trowel.

They used a lot of it the last couple units at Port Washington back when I first started.

Q Do you know if that product had been prepared in any way prior to being used?

A Had been prepared?

Q Yes, or could you use it how it came from --

A You just took it out of the drum or five gallon pail. If you ever looked at a can of black roofing goop that is what it looked like.

Q Was this a liquid or semi-liquid material?

A Use a trowel; trowel it.

Q And it wasn't dusty, was it?

A I would say no, my estimation. What do you define "dust". I would say no.

MS. BLOCK: Thank you.

MR. HUIBREGTSE: No questions.

MS. MARTIN: I have one or two.

E X A M I N A T I O N

MS. MARTIN:

Q Mr. Locher, you testified that you used Carey Products and those were high temperature products?

A Yes.

Q And, so, that would have been white line products?

A This is my interpretation, yes.

MS. MARTIN: That is my only question.

MR. PITTS: No questions.

MR. MENN: I don't have any.

E X A M I N A T I O N

MR. HARRINGTON:

Q You testified, I think, that there was some PABCO products shipped to Iowa or Dakota; is that right?

A Yeah.

Q Do you recall when that Iowa or Dakota job was?

A It was about the same time that we did Unit 1 at Portage; so, whether that is the early seventies -- this is eighties. Yeah, I think that is when it was, early seventies.

Q Were PABCO products that were sent out there ordered through the Milwaukee office of Sprinkmann and Son?

A They sure were. I ordered them.

Q You ordered them?

A Yeah.

Q Do you recall how many carloads of PABCO products were sent out there?

A Quite a few.

Q Quite a few?

A Yeah. It was a big job.

Q When you were being questioned earlier by Mr. Young, the gentleman over here in terms of what your estimate as to who used what products -- strike that. When you were being questioned about the estimate as to whose products

Sprinkmann bought more of, vis-a-vis other companies, did you include the carload for that Iowa and Dakota job in your estimate with regard to PABCO?

A I have forgotten what I said, and believe me, those were only estimates. But that job we did out there that was -- I almost had the name of it for a minute. That was the largest job we did with PABCO materials. Outside of that particular job I can't -- we might have had a truckload or carload come into stock, that is all.

Q You can't recall any other particular jobs with PABCO material; is that right?

A No. We bid other jobs where had we been successful we would have used PABCO.

Q But right now you don't recall any other big jobs?

A No, that was it.

Q Other than the Iowa and Dakota job?

A Whatever job that was out there.

Q Now --

A Joe Pierce would know.

Q Who?

A Joe Pierce would know. He is the PABCO salesman in Chicago.

Q You also mentioned that right before you left Sprinkmann was still buying Fiberboard products; is that correct?

A I am sure that we would buy them. It depends. You know,

all of a sudden there is a big job up. So, you talk to all the manufacturers or most of them, find out who has got the best price so that you could go get -- you know, you are interested in getting the job, but believe me it is a competitive world out there. So, if we are bidding a job anywhere we have got to call up JM which is useless because we don't get much information as price to them, and we can call up PABCO or Kaylo and somebody else and they will give us a price, and, so, then we will use it.

Q When Mr. Young was asking you about the amount of PABCO or Fiberboard products you purchased were you including Fiberboard or PABCO products that were purchased, say, after 1971 to 1980?

A I don't remember whether we was. I would think so, but --

Q You really don't have any idea?

A No. I know that was our big job with PABCO, and I know they make a good material. You know, they will give us a price on the job going in, and if we win the bid they will get the order.

Q Is it a fair statement to say that when you were making statements as to estimates as to what amount of or whose products you were using you were simply guessing?

MR. LIEB: Objection. That is argumentative.

MR. YOUNG: I join in that objection.

THE WITNESS: I would say no. I have been there

almost 35, 40 years and I was involved in all of this stuff and I think that, you know, the percentages are pretty damn -- I had a pretty good handle on it.

MR. HARRINGTON:

Q Okay. You remember PABCO packaging?

A PABCO packaging?

Q Yeah, boxes.

A I have seen a lot of it.

Q Do you remember seeing a warning on PABCO packaging?

A I think so, yes. Probably remember that warning more than I do the one from Johns-Manville.

Q Do you recall when you first saw that warning on PABCO packaging?

A I think it was probably told to us by the salesman prior probably before I even seen a carton.

Q You were warned --

Would you read back his answer?

(Whereupon, the above-pending answer was read back by the reporter.)

MR. HARRINGTON:

Q But before you ever purchased a PABCO product you were informed of the substance of the warning which later appeared on PABCO products; is that right?

A I would say so, yeah.

Q Do you recall about when that was?

A No, I can't really.

Q Would that have been about the middle sixties?

A I don't -- I can't tell you.

Q What steps did you take or did your company take after you had been informed of that warning by the PABCO salesman?

A Well, again that wasn't, you know, at that time. When he told us I think we all knew that there was asbestos in the product and it was a problem. And I think all of us, the contractors, the Contractors Association, the insurance companies were all aware of it to see what we could do with it. And I don't think we as Sprinkmann if we could have said, "Here is the answer, we will stop all of this and do this," We could have saved a hell of a lot of stuff throughout the whole United States. We couldn't do that.

Q Did you pass that warning onto the insulation workers who were applying the products?

A I am sure we did, yes.

Q And that occurred before you ever saw a box of PABCO material, right?

A Well, I would say that, yes.

MR. HARRINGTON: That is all the questions I have.

E X A M I N A T I O N

MR. KILMER: I am going to ask a couple questions,
all right?

Q When did you -- when did Sprinkmann start purchasing
materials from Eagle-Picher?

A Well, basically the materials that we bought from
Eagle-Picher --

Q Please, if you can --

A -- were cement. Now, when Eagle-Picher sold the cement,
and I can't think of the guy's name, they didn't call
it Eagle-Picher cement, they called it another cement,
and he is the guy we still buy it from.

Q When did you stop buying from Eagle-Picher, if you
know.

A When they quit making cement.

Q When was that to your best recollection?

A When they sold it to whatever this guy's name is, I
can't think of his name, then we bought it from him.
He is still stocking it. Now, they called another
man and he sells inside; he had Eagle cement.

Q Now, you gave us names of the manufacturers who provided,
evidently provided cements for Sprinkmann. Did you pur-
chase any cement from JM or any JM cements?

A We might have had a few bags out of their warehouse
or something; but, no, they were not a major supplier of

cement.

Q How about from Carey Canadian Mines?

A Carey Canadian Mines I agree. We said we bought the 7M asbestos fiber from them.

Q And that is Philip Carey are we talking about?

A I don't know. Had to be some relation. Carey Canadian Mines that is who we paid. Carey Canadian or whatever.

MR. KILMER: That is all I have.

E X A M I N A T I O N

MR. GOLDBERG: I have a few.

Q Now, when you mentioned Iowa, does the name Cardoba Powerhouse, does that ring a bell, bring it back to your recollection?

A It brings it back, but not a job that we did in Milwaukee.

Q No, in Iowa.

A I don't know where the job is. I thought Illinois.

Q I am referring now -- you mean Cardoba is out in Illinois?

A I don't know where it is. Nobody mentioned Cardoba here this morning.

Q You mentioned an Iowa job. Do you know if that Iowa job was the Cardoba Powerhouse?

A No.

Q You don't know you say?

A I say no, it wasn't. It wasn't Cardoba. Give me

the name I will know it. It was something like Indian or buffalos or horses or something, I don't know.

Q Now, you have got -- there is a branch company or an affiliated company in Peoria, Illinois.

A That is a separate company. I have nothing to do with it.

Q Did some of your men go to work at Peoria on loan or assignment out of Peoria?

A Did what? Try that again.

Q Did some of the men who had been hired and usually worked in Milwaukee go down and work out of the Peoria branch or Peoria company?

A Well, we didn't send them down, but I would suppose if we were slack and they called Bill Globig, "You got some extra men up there," I suppose that works.

Q But they didn't get assigned from Milwaukee down to Peoria?

A No, sir, not that I know of.

Q Now, you say you had interchange with Peoria?

A On certain materials.

Q In certain materials?

A Sure.

Q And there were jobbers for -- was it jobbers you said?

A They were distributors for Carey originally and then Owens-Corning.

Q And for Owens-Corning? And that would be the period when they were manufacturing Kaylo?

A Sure.

Q I mean Owens-Corning was manufacturing Kaylo?

A Yes.

Q And they were using Kaylo products during that period?

MR. YOUNG: Objection. Vague and indefinite.

MR. GOLDBERG:

Q Do you know if they were, they had Kaylo products during that -- the Kaylo products --

MR. YOUNG: Objection as to who you mean by that.

MR. GOLDBERG:

Q -- in Peoria?

A You are putting me on the spot because I had nothing to do with Peoria, and I don't want to get -- that is somebody else's territory, and what they were doing I never paid any attention to. You know, that is all run by them down there.

Q Now, you --

A And I have --

Q -- you used to get materials from the Peoria branch?

A We used to once and awhile, "Hey, my truck is down here, I got to throw something on. Can you use something?" "Sure, make a full load. Throw on 20 cartons of this if you are coming up."

Q Did you get Kaylo products from them?

A Did we?

Q Yes.

A I am sure over the years somewhere along the line we had a certain amount of Kaylo come in; very little, but we had some.

Q And did you get it in the fifties?

A I am sure we did.

Q Now, aside from using -- I forget the name of the product -- Unibestos, did you also use some Kaylo in the tunnels?

A My recollection we did not use any Kaylo in the tunnels. All the tunnels were started out with Ehret Magnesia, and then the late forties or early fifties went to Unibestos, and then, and then it went in -- Unibestos was quit being manufactured, or before it went to Johns-Manville. Thermobestos is not -- I keep thinking Thermobestos, now it is something else, the product that is specified.

Q Do you know if there were some jobs where the Kaylo was called for to be substituted for Unibestos in the tunnels?

A No.

Q You don't know that?

A No, I don't know that.

Q Okay.

A Being an equal product -- well, I don't know what they would have done, but I know going back to the Heating Department, the Electric Company originally specified Unibestos because I think there was a water problem that didn't absorb water quite as easily as the magnesia did and that is why they wanted it.

Q Now, you referred to a Johns-Manville warehouse; is that correct? They had a Chicago warehouse?

A They do now, yes. They have had probably 10 years, I don't know.

Q And you used to buy some of that product, some of the Johns-Manville product from the Chicago warehouse?

A I am sure we did, yes.

Q And that was before they had their Milwaukee warehouse?

A Well, let's put it this way, the Milwaukee warehouse was here first, then they had the Chicago warehouse and Allied, and these guys were out. They'd get it from the Johns-Manville Chicago warehouse, you know.

Q And --

A Wherever the closest place if they could get it if you had to get it in a hurry.

Q Now, you indicated you used other products than Ehret or its successor which was --

A Baldwin-Ehret-Hill.

Q -- Baldwin-Ehret-Hill. And that includes Johns-

Manville products.

A Another product, sure.

Q And that was in the fifties you included some Johns-Manville products?

A We used -- as I think I told you we used some Johns-Manville products when they had their warehouse here that like if we were short we'd pick up some. They gave us good service. And we used some, I think, on the last two units at Oak Creek.

Q Now, referring to the fifties. You used some Johns-Manville products?

A In the fifties?

Q Yes.

A Now, wait a minute, that could have been in the sixties. I can't --

Q But did you use any by substitution or along with other products in the fifties, Johns-Manville?

A I really don't think it was. The first time that we really used any Johns-Manville products is when they opened the warehouse over here on 30th, wherever it was, Walnut Street. And then occasionally we would pick up 60 feet or a couple cars up if we were short, and then we used some carloads at Oak Creek on the last two units.

Q No, the early sixties did you use Johns-Manville products?

A I don't know what years it was when we finished those last two units at Oak Creek. That would probably be --

Q Did you use some before then as fillers?

A If we did it was three feet that maybe somehow we borrowed from a JM contractor. Who knows. I don't know.

Q Now, when you say that you must have passed the warnings on once your company knew about the asbestos. You, yourself, didn't pass them on, did you?

A I? No.

Q And that wasn't your responsibility?

A No, that is correct.

Q And you don't really know if anybody passed that on?

A Oh, yes, because I know that, you know, we all got together. We knew what was going on.

Q But you --

A And I know somebody, you know, would make out a slip or something and be attached to the guy's payroll checks. We sent out so much of that on many.

Q You don't know when that was?

A No, but that is the way we handled it.

Q Now, you say that in 1973 was the time that they had to phase out asbestos products. There was still some of the asbestos products in the warehouse; is that correct?

A Whose?

Q In your warehouse; your company's warehouse.

A I am sure there was, yes.

Q And you used those up?

A Well, maybe we used some up, but I will tell you this, we threw a hell of a lot of them to the dump. We took a beating on inventory just like I told that gentleman before in our first car when we ordered from JM and because they had a big stock pile it was half asbestos, I hate to tell you the dollars of stuff that we took out to the dump.

Q Now, when these products came that were without asbestos they were marked asbestos-free?

A That is correct.

Q And if they weren't marked asbestos-free --

A They had asbestos on it I assume.

MR. GOLDBERG: That is all.

E X A M I N A T I O N (Cont.)

MR. CARLSON:

Q Mr. Locher --

A Yeah.

Q -- I'd like to go back to your original --

A Now, what did I say?

Q Okay. Your original estimate of materials purchased by your company from various manufacturers, okay?

Do you recall answering Mr. Young's --

A I recall answering. I don't recall what the answer was.

Q Am I correct in saying in arriving at those percentages you were using a timeframe of when you started working in the industry in 1945 or 1946 until you retired in 1980; is that correct?

A That is correct.

MR. CARLSON: Okay.

MR. LIEB: I will object to that question because I think it misstates his testimony. I believe he gave estimates from 1945 when he started there through the mid to late sixties, and he made other statements from the mid or late sixties to 1980. I think it incorrectly summarizes his testimony. Lack of foundation.

MR. CARLSON:

Q But my statement was correct, was it not, sir? Let me withdraw that.

A There is so many, I don't know what I said anymore.

Q All right. Bear with me just one second.

A I believe that somewhere along the line we had one question that I went through estimating it from the time I started until 1980.

Q Right. Okay.

A And if you are getting to something most of the products in the 1970's had been Johns-Manville.

Q Right.

A And what you are getting at, I presume, is that we had some Johns-Manville in the earlier part that had asbestos and we had a hell of a lot of it that was free of asbestos.

Q And that is true, isn't it?

A That is what I said, yes.

Q Okay. Let me just ask you one other thing. You also had a lot of Johns-Manville fiberglass, didn't you?

A Oh, yes, even under brand names of other manufacturers.

Q Sure. And as a matter of fact in the percentage of materials of Johns-Manville that contained asbestos as compared to the material of Johns-Manville that didn't contain asbestos was much lower; there wasn't as much asbestos as Johns-Manville products purchased, was there?

MR. LIEB: Objection. Vague.

THE WITNESS: You are getting me a little confused.

MR. CARLSON:

Q Let me back up, and I appreciate that.

A I'd have to go back and see what I said originally when I came down here.

Q All right. I appreciate your problem. Bear with me and

I will try to bear with you. If we look at your company's purchases from JM from '68 through the time that you retired a great majority of the materials purchased were either fiberglass or other insulating materials that were asbestos-free, isn't that true?

A A big percentage was, yes, because basically since those years, you know, the white line is used in the power plants.

Q Right.

A And the white line has been decreased while the fiberglass for the mechanical contractors has been increased.

Q Let me explore one other relationship with you. For how many years did your company handle, use the Carey asbestos products?

A Well, the only thing that we bought from Carey was really the cement which we warehoused, and that became, you know, that 7M asbestos fiber that came from the asbestos mines in Canada, and we sold that. 7M5 is the one we bought and what we sold to Harnischfeger and A. O. Smith was a different grade for weld rod, and 7M5 is what we mixed with water and a lot of them called it blue mud, and they used it as a finish.

Q Let me ask you, are there any asbestos products your company used that we have not talked about today?

A We covered just about everything. I don't know what we

missed.

MR. CARLSON: All right. Thank you very much.

(Which were all the proceedings had on the
above-entitled matter.)

STATE OF WISCONSIN)
) SS
COUNTY OF MILWAUKEE)

I, LINDA J. SAARI, a Notary Public in and for the State of Wisconsin, do hereby certify that the above deposition was recorded by me and was reduced to writing under my personal direction.

I further certify that said deposition was taken at 610 North Jackson Street, Room 207, Milwaukee, Wisconsin 53202, on the 2nd day of October, A.D., 1980, commencing at 11:35 a.m.

I further certify that Mr. Albert J. Goldberg appeared on behalf of the Plaintiff; Mr. Donald H. Carlson appeared on behalf of Johns-Manville Sales Company; Mr. Mark Young appeared on behalf of Owens-Corning Fiberglas Corporation; Ms. Barbara Block appeared on behalf of Flintkote Company; Mr. Robert E. Hankel appeared on behalf of Combustion Engineering, Inc.; Mr. Jonathon M. Menn appeared on behalf of Armstrong Cork Company; Mr. Thomas Harrington appeared on behalf of Fiberboard Corporation; Mr. James E. Culhane appeared on behalf of GAF Corporation; Mr. Eric J. Van Vugt appeared on behalf of UNARCO Industries; Mr. Donald J. Stangle and Mr. Donald M. Lieb appeared on behalf of Keene Corporation; Mr. Kenton E. Kilmer appeared on behalf of Eagle-Picher Industries, Inc.; Mr. James A. Pitts appeared